SUPREME COURT OF THE UNITED STATES.

No. 135.

CHARLOTTE TAYLOR, BY JAMES M. WALKER, HER NEXT FRIEND, APPELLANT,

vs.

JAMES TAYLOR, GODFREY BARNSLEY & AL.

IN ERROR TO THE CIRCUIT COURT U. S. FOR THE DISTRICT OF GEORGIA.

INDEX.

	Original.	Print.
Bill of complaint	1	4
Exhibit A, to complainant's bill	19	14
" B, " "	24	17
" C, " "	26	18
" D, " "	31	21
" E, " "	33	23
" F, " "	35	24
Subpœna ad respondendum	39	26
Return of marshal	40	27
Appearance of Goodwin, Barnsley and wife, Taylor and Taylor's executors	41	27
Order to take bill pro confesso as to Jos. Scarbrough	42	28
Petition to amend bill	42	28
Order to amend bill	43	29
" for subpœna to amended bill	44	29
Return of notice of amended bill	45	30
Order that Julia Scarbrough enter appearance	46	31
" to answer objections for want of parties	47	31
" for time for Barnsley to answer	47	31
Answer of Goodwin	49	33
Exhibit A, to Goodwin's answer	52	35
Answer of Taylor's executors	53	35
" Jas. Taylor	57	37
Separate answer of Barnsley	61	40
" " Mrs. Barnsley	69	44
Notice to answer of Mr. Barnsley from file	75	47
Exceptions to Barnsley's answer	76	48

J. & G. S. Gideon, printers.

	Original.	Print.
Order that Barnsley and wife answer jointly	77	49
Joint answer of Barnsley and wife	77	49
Exhibits A and B to answer of Barnsley and wife	87	54
" C, " " "	91	57
" D, " " "	92	59
" E, " " "	95	64
" F, " " "	96	64
Exceptions	98	66
Petition to amend bill	99	66
Order " "	100	67
Notice of amendment to bill	101	68
Marshal's return	101	68
General replication	102	68
Agreement to argue in vacation	103	69
Petition to make Wm. Scarbrough a party	104	69
Order " " "	104	70
Notice of amendment to bill	105	70
Commission to examine Mrs. Burr and Mrs. Lippett	107	71
Interrogatories to " "	109	73
Answer of Mrs. Burr to interrogatories	112	74
" Mrs. Lippett "	113	75
Interrogatories to Mrs. Kottman	121	79
Answer of Mrs. Kottman to interrogatories	123	80
Interrogatories to Mrs. Mary C. Taylor	125	81
" Mrs. Minis	127	82
Commission to examine Mr. Low and Mrs. Isaac	131	85
Interrogatories to A. Low and Mrs. Isaac	134	87
Objections to testimony of Mrs. Isaac	135	88
Answer of Mrs. Isaac to interrogatories	141	91
" Andrew Low "	148	94
Commission to examine H. Sistare	156	98
Interrogatories to "	160	100
Answer of H. Sistare to interrogatories	165	102
Interrogatories to Guilmartin	169	105
Answers of Guilmartin to interrogatories	171	105
Agreement of Low with Scarbrough	177	109
Deed from Scarbrough to R. Isaac	179	110
Discharge of Wm. Scarbrough as an insolvent	181	111
Agreement between R. Isaac and J. McHenry	182	112
" of counsel as to admission of evidence	185	113
Objections to testimony of A. Low and Mrs. Isaac	187	114
Deed from W. Scarbrough to R. Isaac	188	115
Subpœna to W. Scarbrough to answer bill	189	116
Appearance of W. Scarbrough	190	117
Petition of W. Scarbrough for appointment of guardian	191	117
Order of guardian ad litem to W. Scarbrough	192	118
Appearance of Jos. Buncroft as guardian ad litem	193	118
Answer of Wm. Scarbrough	193	119

	Original.	Print.
Replication to Wm. Scarbrough's answer - - - -	195	120
Agreement of counsel and order thereon - - - -	196	120
Decree - - - - - - - - - -	197	121
Petition of complainant to enter appeal, and order thereon - -	197	121
Appeal bond - - - - - - - -	199	122
Certificates of clerk and judge - - - - -	201	123

Bill.

UNITED STATES OF AMERICA,
District of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant,
and
JAMES TAYLOR, Julia Scarbrough, Godfrey Barnsley and Julia Barnsley, his wife, Joseph Scarbrough, William Scarbrough, Robert M. Goodwin, Norman Wallace, and Andrew T. Miller, defendants. } In equity.

To the judges of the circuit court of the United States for the district of Georgia.

Charlotte Taylor, of New Brunswick, in the State of New Jersey, and a citizen of the State of New Jersey, the wife of James Taylor, of the same place, (a defendant hereinafter named,) by her next friend, James M. Walker, of Charleston, and a citizen of the State of South Carolina, brings this her bill against the said James Taylor, of New Brunswick, and a citizen of the State of New Jersey, and Julia Scarbrough, of Savannah, and a citizen of the State of Georgia, and Godfrey Barnsley, a subject of the Queen of Great Britain and Ireland, and an alien, resident in Savannah, in the State of Georgia, and Julia Barnsley, wife of said Godfrey Barnsley, of Savannah, and a citizen of the State of Georgia, and Joseph Scarbrough, of Savannah, and a citizen of the State of Georgia, and William Scarbrough, of Savannah, and a citizen of the State of Georgia, and Robert M. Goodwin, of Savannah, and a citizen of the State of Georgia, and Norman Wallace, of Savannah, and a citizen of the State of Georgia, and Andrew T. Miller, of Savannah, and a citizen of the State of Georgia; and thereupon your oratrix complains and says, that your oratrix is the eldest surviving child of William Scarbrough, late of Savannah, in said State of Georgia, deceased, and Julia Scarbrough, one of the defendants to this bill; that Robert Isaac, late of said city of Savannah, departed this life on or about the sixteenth day of October, in the year of our Lord one thousand eight hundred and twenty-seven, having first duly made and executed his last will and testament, by which, amongst other devises and bequests, he, the said Robert Isaac, devised and bequeathed to your oratrix all his right, title, and interest in and to the lot, dwelling-house, and all other improvements thereon, which formerly belonged to the said William Scarbrough, on West Broad street, in the said city of Savannah, known in the plan of said city as lot No. together, also, with the plate, furniture of all kinds, books and prints; all which personal property had been purchased and paid for at marshal's sales by

the said Robert Isaac, as will more fully appear, reference being had to the seventh item of the said last will and testament, duly proved before the court of ordinary for Chatham county, in said State of Georgia, a copy whereof, and of the probate, duly certified, is hereto annexed, marked exhibit A, to which your oratrix prays leave to refer as often as may be found necessary.

And your oratrix further showeth unto your honors, that soon after the death of the said Robert Isaac an inventory of his personal estate was taken by his executors, of whom the said William Scarbrough was one, by which it appears that a large amount of personal property was embraced in the said bequest to your oratrix, as will more at large appear by reference to an extract from the said inventory of appraisement, duly certified, embracing the furniture, plate, books, prints, &c., purchased by the said Robert Isaac at marshal's sales, and shown to the appraisers; a true copy of which extract is hereto annexed, marked exhibit B, to which your oratrix craves leave to refer as often as may be necessary. And your oratrix charges that, independently of the items of personal property thus exhibited to the appraisers as being in the house referred to, there was in the vault on said lot a large stock of valuable wines and liquors, of various kinds, and other family stores, which were not exhibited or shown to the appraisers, but which were conveyed, and intended to be conveyed, and bequeathed to your oratrix in and by the said seventh item of said Robert Isaac's will.

And your oratrix further showeth unto your honors, that at the time of the death of the said Robert Isaac, and for a long while previously thereto, your oratrix, being the niece by marriage of the said Robert Isaac, was an inmate and resident of his family, and that your oratrix continued to reside in the family until the month of November succeeding his death, when your oratrix removed to the residence of her father and mother, the said William and Julia Scarbrough, being the house above referred to on West Broad street, in Savannah aforesaid; and about that time your oratrix received information that the said Robert Isaac had by his said will bequeathed something valuable to your oratrix, but the particulars of the bequest were not then divulged to your oratrix.

And your oratrix further showeth unto your honors, that on her return to the family of her parents the reception which your oratrix received from the family was harsh and unkind, and highly revolting to the feelings of your oratrix; your oratrix was immediately informed by the family of the contents of the seventh item of the will referred to, and charged by them with having dictated to the testator, Robert Isaac, the disposition of the property, with ruining the prospects of the family, and breaking the heart of your oratrix's father; whereas your oratrix most expressly charges the contrary to be true, and that your oratrix had never, before the death of the said Robert Isaac, had any intimation or idea that he would in any way provide, at his death, for your oratrix; although from his attentions and kindnesses to your oratrix for a length of time preceding his death, your oratrix had the most convincing proofs

of the high regard and affection which the said Robert Isaac had uniformly entertained for your oratrix, and which your oratrix, by her attentions to his comfort and convenience, during his health and in his sickness, had always striven to deserve.

And your oratrix further showeth unto your honors, that day after day your oratrix's situation in her father's family became more and more unpleasant and harassing in consequence of their unkind and, as your oratrix charges, their cruel treatment of her; that your oratrix was at the time an infant under the age of twenty-one years, having been born, as your oratrix charges, on the fourth day of August, in the year of our Lord eighteen hundred and seven; that your oratrix was closely watched by her father, mother, and sisters, secluded from society and the advice of friends, and even denied the liberty of communicating with the defendant, James Taylor, whom your oratrix was then under an engagement to marry; that your oratrix was importuned and urged by her mother, with the advice and countenance of her father, to relinquish your oratrix's rights under the will aforesaid, and to settle the property on your oratrix, her mother, brothers and sisters; and with the view of effecting this object, it was particularly urged that the said Robert Isaac, by the said devise and bequest in the seventh item of his said last will and testament, had so conveyed the said property, believing that your oratrix would divide the same in the manner proposed by your oratrix's parents as before stated, although your oratrix at the time knew that the said Robert Isaac had for a considerable time preceding his death borne a decided antipathy to the said Julia Scarbrough.

And your oratrix further showeth unto your honors that, when in answer to these and other repeated importunities most unkindly pressed upon your oratrix, your oratrix would hesitate or refuse to enter into and yield to the proposed arrangement, your oratrix's reluctance and refusal would be ascribed to the influence of the said James Taylor, who was described to be a merciless, grasping man, who would sacrifice any thing for a gain.

And your oratrix further showeth unto your honors, that when again, in reply to the urgent importunity of the said Julia Scarbrough, your oratrix inquired of her what your oratrix should do, your oratrix, after a conference between the said Julia and William Scarbrough, was informed that your oratrix should address a letter to the said William Scarbrough, to the effect that, supposing the said Robert Isaac had intended the property should be divided between your oratrix, her mother, sisters and brothers, your oratrix wished that he, the said William Scarbrough, would consent that your oratrix should so have the property disposed of that the said Julia Scarbrough should have it during her life, and that after her death it should be divided between your oratrix, her two sisters and two brothers.

And your oratrix further showeth unto your honors, and expressly charges, that at this stage of the matter your oratrix sought an interview with the said James Taylor, and after relating to him the circumstances above detailed, asked his opinion and advice as to the duty of your ora-

trix in the premises, and that his reply was, in substance, that individually he cared nothing about the course your oratrix might pursue, as he was well off, and that he would never meddle with a copper of the value of the property, but advised your oratrix as she valued her own interest not to yield to the arrangement proposed by the parents of your oratrix.

And your oratrix further showeth unto your honors, that at the time referred to the affairs of the said William Scarbrough were in a very deranged and embarrassed condition; that he was utterly unable to pay his debts; and that, as a consequence, his family having but very small resources independently of him, their pecuniary situation was pitiable and distressing; and that, urged by this consideration, by the unhappiness and even misery which your oratrix was suffering from the treatment of the family and their importunity, and influenced, too, by the hope that her marriage with the said James Taylor might thereby receive the consent of her parents, your oratrix finally yielded, and wrote the letter to her father, reciting, in substance, as your oratrix charges, that the said Julia and William Scarbrough were to have the house, furniture, &c., during their lives, and that at their death the plate, with the crest of the family, was to be given to your oratrix's brothers as their share, and the house and lots divided between your oratrix and her sisters. Your oratrix charges the above to have been the substance of the writing, but that she cannot now ascertain the particulars, as the original draft, which was kept by your oratrix, was destroyed by fire in the city of New York in the year eighteen hundred and thirty-five.

Your oratrix further showeth unto your honors that, at the solicitation of the said William Scarbrough your oratrix consented that the paper, or a copy of it, should be put into the hands of a conveyancer for the purpose of receiving a legal and technical form, and that shortly afterwards a deed, drawn by Richard W. Habersham, esquire, late of said city of Savannah, deceased, was presented to your oratrix, by her father, for execution, and that your oratrix, on the evening of the same day, the twenty-second day of January, eighteen hundred and twenty-eight, signed the same without reading or hearing it read; a copy of which said deed, duly certified from the records of Chatham county aforesaid, and marked exhibit C, is hereto annexed, to which your oratrix prays leave to refer as often as may be found necessary, by which it will appear that the property therein described, being the same devised and bequeathed to your oratrix by the said Robert Isaac as aforesaid, was conveyed by your oratrix to William Taylor, late of Savannah aforesaid, deceased, in trust to the use of the said Julia Scarbrough during her natural life, and from and after her decease then in further trust for the use and benefit of your oratrix, and such of her brothers and sisters, children of the said Julia Scarbrough, as shall be living at the time of the decease of the said Julia Scarbrough, equally to be divided between them; the said deed reciting that your oratrix was of lawful age, and that the said lot or adjoining lots of land had been, before the intermarriage of the said William and Julia Scarbrough, settled by the

said William upon the said Julia Scarbrough for her life, and afterwards to the use of the remaining issue of said marriage, and that the validity of said settlement was doubted for reasons assigned in said deed, as will more fully appear by reference to said exhibit C. Whereas your oratrix expressly charges that she had never, up to the time of writing the said letter, or executing the said deed, heard of any such marriage settlement.

And your oratrix further showeth unto your honors, that she never received, for the execution of said deed, any, the smallest good or valuable consideration, but that the same was extorted from her by the most unfair and fraudulent means, and was executed by your oratrix as the price of peace with her father, mother, and family, your oratrix at the time of its execution being still an infant under the age of twenty-one years, as the said Julia and William Scarbrough well knew; and that the said deed is further fraudulent, because at the time of its execution the said William Taylor and William Scarbrough were, with the defendant Norman Wallace, qualified and acting executors of said Robert Isaac's said will.

And your oratrix further showeth unto your honors, that on the twenty-eighth day of April, in the year eighteen hundred and twenty-nine, and a few months after your oratrix became of age, she intermarried with the defendant, James Taylor, and that having, ever after the execution of the deed as aforesaid, reflected on the possible consequences to your oratrix of such an act, soon after her marriage, being then free from parental and family influence and control, and living apart from the said family, your oratrix used all the means in her power to convince her husband that the said deed was fraudulent and invalid, and ought for many reasons to be set aside, but that he constantly and uniformly avoided all the reasonings and solicitations urged upon him with that view, stating his objections to exciting family quarrels and disputes about property, and urging his own individual property and means of support for his family to be such as to make them independent of the property conveyed in the said deed.

And your oratrix further showeth unto your honors, that since the removal of the disability of your oratrix's infancy, she has never done or committed any act confirming the said deed, nor has the said James Taylor, since his marriage with your oratrix, ever claimed the said property as his own, nor has he ever traded or done any act or had any dealings on the faith of the same, nor has he ever reduced the same, or any part thereof, to his possession.

And your oratrix further showeth unto your honors, that some time in the year eighteen hundred and thirty-five the said James Taylor removed to New York, and that having been unfortunate in business there, he afterwards removed with his family, in the year eighteen hundred and thirty-nine, to New Brunswick, in the State of New Jersey, where your oratrix has ever since resided; that for a long time your oratrix had almost despaired of ever being in a position to enable her to avoid the said deed, but having never known its contents, or entertain-

ed the idea that a deception had been practised upon your oratrix in drawing up the same in terms different from those reduced to writing by your oratrix as before stated, your oratrix never, until the autumn of eighteen hundred and thirty-nine, realized the extent of the injustice of the whole transaction; and having then heard that, in the event of your oratrix dying before the said Julia Scarbrough, your oratrix's children would be cut off from all use or enjoyment of the said property, your oratrix denied that such would be the operation of the said deed, until a copy of the same was shortly thereafter procured from the records of Chatham county aforesaid, and forwarded to your oratrix. Your oratrix's husband had then become greatly reduced in his pecuniary means, and has since become utterly bankrupt, and his means of supporting his family greatly impaired. Your oratrix has, ever since the disclosure of the terms of said deed, been steadily in pursuit of means to undo an act fraught with ruin to your oratrix and a family of five children, to protect whom is the duty of your oratrix.

And your oratrix further showeth unto your honors, that the said William Taylor, under and by virtue of his appointment as aforesaid, accepted and undertook the duties of trustee immediately on the execution of said deed, and so continued to act until his death, in the early part of the year eighteen hundred and forty; and that since the decease of the said William Taylor, the defendant, Robert M. Goodwin, has been appointed in his place and stead, as will appear by reference to a certified copy of the petition for the appointment of trustee, and proceedings had thereon in the superior court for the said county of Chatham, hereto annexed, marked exhibit D, to which your oratrix craves leave to refer as often as may be found necessary; but your oratrix charges that, although said petition purports to have been drawn by her authority, your oratrix never in any way sanctioned the proceeding, having been entirely ignorant of the use of her name, and that she has never since in any way recognised the authority of the said Robert M. Goodwin in the premises. And your oratrix further showeth unto your honors, that the said William Taylor, by his last will and testament appointed William W. Gordon, and the defendants, Norman Wallace and Andrew T. Miller, executors, and his widow, Mary C. Taylor, executrix thereof, which was afterwards duly proved by them before the court of ordinary for Chatham county aforesaid; and that the said William W. Gordon has since departed this life, and the said Mary C. Taylor has never acted as executrix, and is a material witness for your oratrix.

And your oratrix further showeth unto your honors, that the said William Scarbrough departed this life in the city of New York some time in the year eighteen hundred and thirty-eight, having resided, intervening the execution by your oratrix of the said deed and his death, a part of the time in New York, and a part of the time in the house aforesaid, on West Broad street, in Savannah, where the said Julia Scarbrough has almost constantly resided, and now resides.

And your oratrix further showeth unto your honors, that the defen-

dant, Godfrey Barnsley, some time in the year eighteen hundred and twenty-eight, intermarried with your oratrix's sister, Julia Scarbrough, now Julia Barnsley; and that for a long time, and until within a few weeks, they have, either alone or with other members of the family, resided in the said house; and your oratrix charges that the said Godfrey Barnsley has committed waste of the chattels bequeathed to your oratrix by the said Robert Isaac, and has sold or otherwise disposed of a considerable portion of the stock of liquors, without any lawful warrant or authority; and that waste of the said chattels has also been committed by the said Julia Scarbrough, insomuch that the same have been very much reduced and impaired in value, as will more fully appear, reference being had to an inventory of all the chattels to be found on said premises, not including the vault, to which your oratrix has never had access, which said inventory was taken by two disinterested persons at the request of your oratrix, on the twenty-ninth day of June last, after notice of the time and place of taking it served on the said Godfrey Barnsley, and is hereto annexed, marked exhibit E, to which your oratrix prays leave to refer as often as may be found necessary.

And your oratrix further showeth unto your honors, that the said Godfrey Barnsley, during all the time of his residence on said premises, knew that the title to the same and to the personality was unsettled, and hat your oratrix had a claim thereto, as will appear by reference to an original letter from the said Godfrey Barnsley to the said William Scarbrough, bearing date at Savannah aforesaid, the ninth day of November, in the year eighteen hundred and thirty-five, hereto annexed, marked exhibit F, to which your oratrix prays leave to refer as often as may be necessary. And your oratrix further showeth unto your honors, that the surviving children of the said Julia Scarbrough are your oratrix, Julia Barnsley, wife of said Godfrey Barnsley, Joseph Scarbrough, one of the defendants, and William Scarbrough, who resides out of the jurisdiction of this honorable court, and is also a defendant and a minor without a guardian. And your oratrix further showeth unto your honors, that the said Julia Scarbrough is reduced by age and infirmities of body and mind to a state of incapacity, and is incapable, from want of mind and memory, of putting in an answer, and that she has no guardian to answer for her.

And your oratrix avers that the real property in dispute, exclusive of the personalty, exceeds in value the sum of ten thousand dollars. And your oratrix further showeth unto your honors, that with a view to the ascertainment and enforcement of the rights and claims of your oratrix under all the circumstances herein before stated and set forth, your oratrix has had frequent conversation with the said Robert M. Goodwin, and has applied to him for information respecting the original deed from your oratrix to the said William Taylor in trust, and the manner in which the trusts have been executed, and requested him to deliver it up to your oratrix to be cancelled; and that with the same view she has also applied to the defendant, Norman Wallace, on behalf of himself and his co-executor, for information on the same points; and particularly

that they would come to an account with your oratrix of the actings and doings of their testator, as trustee aforesaid; with which just and reasonable request, your oratrix well hoped that the said Robert M. Goodwin, trustee, and Norman Wallace and Andrew T. Miller, executors as aforesaid, would have complied, as in justice and equity they ought to have done; but now, so it is, may it please your honors, that the said Robert M. Goodwin, Norman Wallace, and Andrew T. Miller, combining and confederating together, and with the other defendants, and with divers persons at present unknown to your oratrix, whose names, when discovered, your oratrix prays she may be at liberty to insert herein, with apt words to charge them as parties defendants hereto, and contriving how to wrong and injure your oratrix in the premises, they, the said Robert M. Goodwin, Norman Wallace, and Andrew T. Miller, absolutely refuse to comply with such requests; he, the said Robert M. Goodwin, sometimes pretending that he knows nothing of the said original deed, and at other times admitting that he has it, and refusing to give it up to your oratrix; and the said Norman Wallace and Andrew T. Miller, sometimes pretending that the said William Taylor left no accounts of his actings and doings as trustee, and at other times that your oratrix is not entitled to the same; and the said Godfrey Barnsley also sometimes pretending that he has expended large sums of money on the said house and premises, for necessary repairs and improvements, and therefore that he is not liable to be called to an account; whereas your oratrix charges, that if he has expended any money as pretended, the same was not necessary, and that he did it with full notice of all the equities of your oratrix in the premises. All which actings, doings, pretences, and refusals are contrary to equity and good conscience, and tend to the manifest wrong and injury of your oratrix in the premises. In consideration whereof, and forasmuch as your oratrix can only have adequate relief in the premises in a court of equity, where matters of this sort are properly cognizable and relievable. To the end, therefore, that the said defendants may, if they can, show why your oratrix should not have the relief hereby prayed, and may upon their several and respective corporal oaths, and according to the best and utmost of their several and respective knowledge, remembrance, information, and belief, full, true, and direct, and perfect answer make to such of the several interrogatories hereinafter numbered and set forth, as by the note here under written they are respectively required to answer, that is to say:

1st. Whether exhibit "A" is not a correct copy of the last will and testament, with the probate thereof, of the said Robert Isaac?

2d. Whether the original deed from your oratrix to the said William Taylor in trust, is still in existence, and in whose custody or control the same now is; and whether exhibit "C" is not a correct copy of the same?

3d. Whether your oratrix, for many years previous to the death of the said Robert Isaac, was not a resident in the family of the said Robert Isaac?

4th. Whether your oratrix, at the time of the execution of said deed,

was not an infant under the age of twenty-one years, and what was her precise age?

5th. Whether any, and what, consideration was given or paid your oratrix for the said deed; and if any, in what it consisted?

6th. Whether, at the time of the execution of said deed, the said William and Julia Scarbrough were not residing on the premises described in said deed, and conveyed by your oratrix to William Taylor, in trust, and for what length of time the said William and Julia Scarbrough continued to reside there?

7th. Whether the said William Scarbrough did not die in the year eighteen hundred and thirty-eight, and whether he was not notoriously insolvent at the time of his death, for many years before, and at the time of the execution of said deed?

8th. Whether, at and before the execution of said deed, your oratrix was not importuned, and by whom, to execute the same; and whether your oratrix was not unkindly treated for at first refusing; and whether she was not finally coerced into a compliance?

9th. Whether the treatment of your oratrix by the family of the said Julia and William Scarbrough, at and about the time of the execution of said deed, as charged by your oratrix, is not true?

10th. Whether exhibit "B" is not a correct copy of the inventory of the goods and chattels of the said Robert Isaac, in the house devised to your oratrix, as exhibited to the appraisers, with the exception of a pair of horses, a saddle horse, and a few pleasure vehicles?

11th. Whether there was not on the said premises, and not shown to the appraisers, a large stock of valuable wines and liquors, and how much, and what was the probable value of the same?

12th. Whether the said Godfrey Barnsley, or any other, and what person or persons, have not made way with and sold the said wines and liquors, and other family stores, or any other part of the said chattels, and to what extent?

13th. Whether the said Godfrey Barnsley did not, and for what length of time, reside in said house; and whether he had not for a long time, and how long, been aware that said deed was without consideration, or whether he had not heard so, and also that at the time of its execution, your oratrix was an infant?

14th. Whether exhibit "F" is not an original letter of the said Godfrey Barnsley to the said William Scarbrough?

15th. Whether exhibit "E" is not an original and true inventory, taken after notice to the said Godfrey Barnsley of the time and place of taking it, of all the furniture and plate, and other chattels in the said house on West Broad street, on the twenty-ninth day of June last?

16th. Whether there is now to be found, and where, any other personal property belonging to said premises?

17th. Whether exhibit "D" is not a true copy of the petition for, and appointment of, Robert M. Goodwin as trustee, as charged by your oratrix, and when was he so appointed; and whether your oratrix applied to have the said appointment made, or has in any, and what way,

consented to it, or to any of the said Robert M. Goodwin's acts as such trustee?

18th. Whether the said William Taylor did not depart this life, as charged by your oratrix; and whether he did not continue to act as trustee to the time of his death?

19th. Whether the said William Taylor left any accounts of his actings and doings as trustee, and where the same are?

20th. Whether the said James Taylor has not always refused to interfere in any way with the rights of your oratrix, as set forth in this bill?

21st. Whether the said James Taylor did not refuse, and for what length of time, to aid your oratrix in the prosecution of her rights in this behalf?

22d. Whether, at the time of the execution of said deed by your oratrix, the said James Taylor did not, on the representations of your oratrix, advise your oratrix not to execute the said deed, at the same time declaring that he had no individual interest or wishes in the matter?

23d. Whether the said James Taylor has ever, and when, set up any claim to said property, or any part thereof, and whether he had ever reduced the same, or any part thereof, to his possession?

And that your honors may decree the said deed of your oratrix in trust to William Taylor to be fraudulent as against your oratrix, for the reasons herein before set forth, and void; that the said William Taylor and Julia Scarbrough, on the execution of said deed, became and were trustees thereof and thereunder for your oratrix; and that the said Robert M. Goodwin, or other person in possession of the same, may be decreed to deliver up the said deed to be cancelled; and that the said Robert M. Goodwin, trustee, Norman Wallace, and Andrew T. Miller, executors of William Taylor, deceased, Julia Scarbrough, and Godfrey Barnsley, may be decreed to come to an account of the personal property now in use, and which has been wasted, with the proceeds of such as has been sold or otherwise disposed of, with the rents and profits of the real property received by them, or either [of] them, or by their, or either of their order; and that the said real estate, goods, chattels, plate, furniture, books, prints, rents, and profits may, by a decree of this honorable court, be declared and adjudged to be the separate property of your oratrix, not subject to the debts, or liable to the creditors of the said James Taylor, your oratrix's husband; and may be decreed to be delivered up and paid over, and by a decree of this honorable court, settled upon your oratrix in such manner, and on such terms, as shall appear to be equitable and just; and that your oratrix may have such further or other relief in the premises, as the nature and circumstances of this case may require, and to your honors shall seem meet.

May it please your honors to grant unto your oratrix the writ of subpœna, to be directed to the said James Taylor, Julia Scarbrough, Godfrey Barnsley and Julia Barnsley, his wife, Joseph Scarbrough, William Scarbrough, Robert M. Goodwin, Norman Wallace, and Andrew T. Miller, thereby commanding them, at a certain day, and under a certain

pain thereinto be limited, personally to be and appear before your honors in this honorable court, and then and there full, true, direct, and perfect answer make to all and singular the premises, and further to stand to, perform, and abide such order, direction, and decree, as to your honors shall seem meet.

And your oratrix shall ever pray, &c.

JACKSON & HARDEN,
Complainant's solicitors.

NOTE.—The defendant, James Taylor, is required to answer the interrogatories numbered respectively 3, 4, 6, 7, 8, 15, 20, 21, 22, and 23.

The defendant, Julia Scarbrough, is required to answer the interrogatories numbered respectively 3, 4, 5, 6, 7, 8, 9, 11, 12, 15, and 16.

The defendants, Godfrey Barnsley and Julia Barnsley, his wife, are required to answer the interrogatories numbered respectively 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, and 16.

The defendant, Joseph Scarbrough, is required to answer the interrogatories numbered respectively 6, 7, 12, 13, 15, 16, and 17.

The defendant, Robert M. Goodwin, is required to answer the interrogatories numbered respectively 1, 2, 10, 11, 12, 16, 17, 18, & 19.

The defendants, Norman Wallace and Andrew T. Miller, are required to answer the interrogatories numbered respectively 1, 2, 5, 7, 10, 11, 12, 16, 18, and 19.

The defendant, William Scarbrough, is required to answer the interrogatories numbered respectively 6, 7, 12, 13, 15, 16, and 17.

Exhibit A.—*Exhibit A to Bill.*

[L. S.] 1st. The last will and testament of Robert Isaac, of the city of Savannah, and State of Georgia, merchant.

I, Robert Isaac, being of sound mind and memory, but considering the uncertainty of this mortal life, do make and publish this my last will and testament, in manner and form following:

First, (that is to say,) *first*. I resign my soul into the hands of Almighty God, hoping and believing through his blessed word in the remission of my sins, by the merits and mediation of Jesus Christ my Lord; and my body I commit to the earth, to be buried at the discretion of my executrix or executors hereinafter named.

Second. Item—I give and bequeath (my just debts being first paid,) to my entirely beloved wife, Lucy Isaac, all those two lots of land in the city of Savannah, known in the plan of said city, as lots No. 6, (six), and No. 7, (seven), Holland Tything, Percival ward, together with all the materials and improvements thereupon, or which may be put thereupon during my lifetime, and also the dwelling house in which I at present reside, (together with the other improvements,) upon lots No. 17, (seventeen), and No. 18, (eighteen), Tything, Warren ward, in the said city, and the rents, issues, and profits thereof, and also, all my furniture, books, and plate of every description, for and during the term of her natural life; and from and after the decease of my

beloved wife, I give and bequeath all the said lands, tenements, and hereditaments, unto such children or child as I shall leave, or have living at the time of my decease, and to his, her, or their heirs and assigns forever, as tenants in common; and to the eldest of them, surviving my beloved wife, all my furniture, books, and plate of every description, to his or her heirs and assigns forever.

Third. Item—I give and bequeath unto my eldest son, who shall be living at the time of my decease, my gold watch, seals, and chain, my clothes,

ROBERT ISAAC.

3 con'd. coins, trinkets, and such other things as are of a strictly personal nature, the meaning of which term will easily be understood by the above enumeration.

Fourth. Item—I give and bequeath to my dear mother, should she survive me, five hundred pounds sterling, to be paid her, without deduction of any kind, out of the first moneys that come into the hands of my executors, (my just debts first paid,) for her sole use and behoof, and to be disposed of by her, either by will or otherwise, as she may see fit.

Fifth. Item—I give and bequeath to my brother, William Isaac, and to my sister, Margaret Lenox Isaac, two hundred and fifty pounds sterling each, without deduction of any kind.

Sixth. Item—I give and bequeath to my beloved wife (my debts and the before named legacies being first paid,) five thousand dollars, to be paid her as soon as possible after my decease; which said legacy, together with the life rent in the property bequeathed in the second item of this will, given to my wife as aforesaid, I hereby declare is intended to be, and is so given to her in full satisfaction, and recompense of, and for her dower, or thirds, which she may or can in anywise claim or demand out of my estate.

Seventh. Item—I give and bequeath unto my beloved niece Charlotte Scarbrough all my right, title, and interest in and to the lot, dwelling-house, and all other improvements thereon, which formerly belonged to her father, Wm. Scarbrough, on West Broad street, in the city of Savannah, known in the plan of said city as lot No. together also with the plate, furniture of all kinds, books and prints, all which were purchased and paid for at marshal's sales by me.

Eighth. Item—I give and bequeath to each of my execu-

ROBERT ISAAC.

8 contin'd. tors a mourning ring, of the value of twenty dollars.

Ninth. Item—I give and bequeath all the rest, residue, and remainder of my real and personal estate (not hereinbefore given and bequeathed) unto and equally among all my children, who may be living at the time of my decease, for ever, share and share alike; but providing, if it should so happen that a posthumous child is born to me by my wife, it is to be equally entitled to share and share alike; and it is also provided, that if any of my children, living at the time of my decease, or born afterwards, shall die before they attain the age of twenty-one years, or

before marriage, then the share of such child or children so dying shall belong to, and be equally divided among, the survivors or survivor.

Lastly. I hereby commit the guardianship of all my children, until they shall respectively attain the age of twenty-one years, or get married, unto my entirely beloved wife during her life, if she shall so long continue my widow; and from and after her decease or second marriage, unto my dear and esteemed friends Andrew Low, William Scarbrough, William Taylor, William Parker, and William Gaston, and John H. Reid, and Norman Wallace, and Benjamin Burroughs, who are hereby named and requested to act as my executors; and I hereby revoke and annul all and every will by me heretofore made, declaring anew this to be my last will and testament.

In witness whereof, I have hereunto set my hand and seal, at Savannah, the twenty-sixth day of August, in the year of our Lord eighteen hundred and twenty-seven.

ROBERT ISAAC. [L. S.]

Signed, sealed, published, and declared by the above named Robert Isaac to be his last will and testament, in the presence of us, who have hereunto subscribed our names as witnesses, in the presence of the testator.

JAMES TAYLOR,
R. HUTCHISON,
THOMAS G. MILLER,
DAVID AULD.

STATE OF GEORGIA, *Chatham county.*

Chambers of the court of Ordinary, 9th January, 1828.

Present, the honorable John Cumming and Anthony Porter, justices of the inferior court of Chatham county, sitting for ordinary purposes.

Personally appeared James Taylor, one of the subscribing witnesses to the foregoing instrument of writing, purporting to be the last will and testament of Robert Isaac, late of Savannah, merchant, deceased, who being duly sworn, deposeth and saith, that he was present and did see the said Robert Isaac, deceased, sign and seal, and heard him pronounce, publish, and declare, the said instrument of writing to be and contain his last will and testament; that the said Robert Isaac, deceased, was at the time of executing the same of sound and disposing mind and memory to the best of this deponent's knowledge and belief; that he, the deponent, and Thomas G. Miller, and Robert Hutchison, and David Auld, all of Savannah, subscribed their names as witnesses to the due execution of the said last will and testament, at the request of the testator, in his presence, and in the presence of each other.

JAMES TAYLOR.

Sworn to in open court this 9th January, 1828.

SAM'L M. BOND,
Clerk Co. Ordinary, C. C.

17th January, 1828. William Scarbrough, William Taylor, and Norman Wallace, executors named in the foregoing will of Robert Isaac, deceased, appeared and were qualified as such, by taking the oath of an executor prescribed by law.

SAM'L M. BOND, *C. C. O. C. C.*

STATE OF GEORGIA, *Chatham county.*

Clerk's office, court of Ordinary.

I, Edward G. Wilson, deputy clerk of the said court of ordinary, do hereby certify, that the aforegoing (i. e. annexed four pages) is, and contains, a true copy of the last will and testament, together with the probate thereof thereto annexed, of Robert Isaac, late of Savannah, merchant, deceased, and of the qualification of the executors thereof, as appear from the original of file and record in said office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, this twenty-fifth day of August, eighteen
[L. S.] hundred and forty-three.

EDWARD G. WILSON,
Dep. clk. C. O. C. C.

Exhibit B.—*Exhibit B to bill.*

[L. S.] Extracts from the "inventory and appraisement of the goods, chattels, and credits of Robert Isaac, deceased, as exhibited to us this twenty-fifth day of January, 1828, by William Scarbrough, qualified executor of said estate."

"In the house formerly the property of Wm. Scarbrough, and bought by Robert Isaac at marshal's sales, as per his certified copy.

Furniture in room No 1,		$240 00
" passage No. 2,		205 00
" dining room No. 3,		302 00
" large dining room No. 4,		494 00
" up-stairs passage clock and lamp		40 00
" bed room No. 1,		187 00
" bed room No. 2,		90 00
" bed room No. 3,		12 00
" bed room No. 4,		68 00
" bed room No. 5, included in above.		
" kitchen		10 00
" silver ware		426 00
1 gig $10, carriage destroyed in hurricane		10 00
1 set china (table) $130, 1 lot glass ware $100		230 00

PETIT DE VILLERS,
W. ROSE,
J. B. HERBERT,
Appraisers.

ANDREW LOW, vs. WILLIAM SCARBROUGH. } Marshal's sales.

Purchaser. *Tuesday, 2d January*, 1825.

R. Isaac, esq.	To furniture in room No. 1 (dining)	-	$500 00
	To " passage, No. 2	- -	200 00
	To " dining room, No. 3	-	500 00
	To " larger do. No. 4	-	350 00
	To " up-stairs passage, 5, clock and lamp	- -	60 00
	To " bed room, No. 1	- -	110 00
	To " do. No. 2	- -	100 00
	To " do. No. 3	- -	60 00
	To " do. No. 4	- -	75 00
	To " do. No. 5	- -	30 00
	To kitchen furniture	- - -	25 00
	To silver ware -	- - -	400 00
	To carriage and gig	- - -	250 00
	To pair carriage horses	- - -	200 00
	To saddle horse -	- - -	80 00
			$2,940 00

MARSHAL'S OFFICE, GEORGIA,
Savannah, 21 *January*, 1828.

I do hereby certify, the above is a true copy of furniture, &c., sold at the above date—Andrew Low vs. William Scarbrough, esq.—from my sales book.

JN. H. MOREL, *Marshal D. G.*

Recorded and examined, 29th March, 1828.

SAM'L M. BOND, *C. C. O. C. C.*

STATE OF GEORGIA, *Chatham county*,
Clerk's office, court of Ordinary.

I, Edward G. Wilson, deputy clerk of the court of Ordinary aforesaid, do hereby certify, that the aforegoing are true extracts from the original inventory and appraisement of the estate of Robert Isaac, deceased, of file and record in said office.

In testimony whereof, I have hereto set my hand and affixed the seal of said court, this thirtieth day of August, A. D. eighteen
[L. S.] hundred and forty-three.

EDWARD G. WILSON,
Dep. clk. C. O. C. C.

Exhibit C—*Exhibit C to bill.*

[L. S.] GEORGIA.

This indenture, made the twenty-second day of January, in the year of our Lord one thousand eight hundred and twenty-eight, between

Charlotte Scarbrough, daughter of William Scarbrough, esquire, of the one part, and William Taylor, esquire, of the city of Savannah, of the other part, witnesseth: that whereas, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and five, in Wilmington, North Carolina, the said William Scarbrough, at that time of Savannah, in the State of Georgia, did, previously to his marriage with Julia Bernard, his present wife, the mother of the said Charlotte, and in consideration of the said marriage, in and by a certain instrument of writing, purporting to be a marriage settlement, settle upon, transfer, and assign over, and convey to the said Julia Bernard, for her use and behoof, and that of the issue of said intended marriage, all his right, title, property and possession, of, in, and to the following lot or adjoining lot of land, containing in breadth ninety feet, and in depth two hundred and twenty-eight feet, more or less, situated, lying, and being on the west side of West Broad street, in the village of St. Gall, part of the city of Savannah, in the State of Georgia, and known by the number thirteen and fourteen, (13 & 14,) and which were formerly the property of John Shick, deceased; to have and to hold the aforesaid premises unto the said Julia, during her natural life, and at her decease, if the same should be subsequent to that of the said William Scarbrough, unto the remaining issue of the said marriage, to be equally divided; that, and in order that the aforesaid transfer should be of full force and virtue, according to the true intent and meaning thereof, the following person, to wit, William Taylor aforesaid, and Robert Mackay, of Savannah, and Thomas Scarbrough, of Burke county, all of the State of Georgia, were thereby mutually and reciprocally agreed upon and nominated trustees, to see that the same should be carried into effect; all of which will more fully appear by reference to the said deed, duly proved and recorded in the registry of New Hanover county, in the State of North Carolina, at the June term of 1805, in the county court, in book M, page 563, on 2 July, 1805. And whereas from neglect the said deed was not recorded in Chatham county, and State of Georgia, and whereas, in the year eighteen hundred and nineteen, the said William Scarbrough having failed in trade, and some doubts having been suggested as to the validity of the said marriage settlement, from the omission to record the same as aforesaid, the said William Scarbrough did, in consequence of such doubt, transfer and convey all his right, title, and interest, if any remained to him, in and to the aforesaid named and described lots of land, to his principal creditor, Robert Isaac, of Savannah, his heirs and assigns, in part satisfaction of his debt; and whereas the said Robert Isaac hath recently departed this life, leaving a last will and testament, whereby he bequeathed and devised to the said Charlotte Scarbrough, his niece, all his right, title, and interest in the said lots of land, the dwelling-house, and improvements thereon, together with the plate, furniture of all kinds, books and prints therein, which were purchased by the said Robert at marshal's sales, in the city of Savannah, which said last will and testament has been duly proved before the court of ordinary of Chatham county; and whereas the said Charlotte

Scarbrough, to whom the aforesaid devise was made, being of lawful age, and being desirous of conveying or carrying the said marriage settlement into effect, according to the original intention of the parties thereto, hath determined to convey all her right, title, and interest in said property in trust for that purpose. Now, this indenture witnesseth, that the said Charlotte, in consideration of the premises, and from natural love and affection for her said beloved mother, Julia Scarbrough, and her sisters and brothers, and also in consideration of the sum of one dollar, to her in hand paid by the said William Taylor of the second part, the receipt whereof is hereby acknowledged, hath granted, bargained and sold, released, conveyed and confirmed, and by these presents doth grant, bargain and sell, release, convey and confirm, unto the said William Taylor, his heirs and assigns, all her right, title, and interest in and to the said lots of land herein before described and set forth, together with the buildings and improvements thereon, with the appurtenances, and together with the plate, furniture of all kinds, books and prints, herein before referred to; which lots, buildings, improvements, furniture, plate, books and prints, were devised to her by the said Robert Isaac, as herein before set forth. To have and to hold the said lots of land, with the other premises and appurtenances, unto him, the said William Taylor, his heirs and assigns; in trust, nevertheless, to and for the use of the said Julia Scarbrough, wife of the said William Scarbrough, for and during the term of her natural life, not to be in any manner, or by any means, subject to, or liable for, the debts of the said William Scarbrough, her said husband; and from and after the decease of the said Julia Scarbrough, then in further trust to and for the use and benefit of the said Charlotte Scarbrough, and such of her brothers and sisters, children of the said Julia, as shall be living at the time of the decease of the said Julia Scarbrough, equally to be divided between them, share and share alike.

And further the said Charlotte Scarbrough, for herself, her heirs, executors and administrators, doth covenant, grant and agree, to and with the said William Taylor, his heirs and assigns, that she and they shall and will, from time to time, and at all times hereafter, upon the request, and at the proper cost and charge of the said William Taylor, his heirs or assigns, do and execute, or cause to be made, done, and executed, all and every such further and other lawful and reasonable act and acts, thing and things, assurance and assurances, in the law whatsoever, for the further, better, and more perfect granting, assigning, and assuring of the said premises above mentioned, and hereby intended to be conveyed, with the appurtenances, unto the said William Taylor, his heirs and assigns, in trust as aforesaid, as by the said William Taylor, his heirs or assigns, or his or their counsel learned in the law, shall be reasonably advised, devised, or required.

In witness whereof the said Charlotte Scarbrough, hath hereunto set her hand and seal the day and year first above written.

C. D. SCARBROUGH. [L. S.]

Sealed and delivered in presence of—
AND'W LOW,
JOHN GUILMARTIN.

I agree to act as trustee in the above mentioned deed.
Savannah, 22d January, 1828.

WM. TAYLOR.

Witness—
AND'W LOW,
JOHN LOW.

STATE OF GEORGIA, *Chatham county:*

Personally appeared before me Henry J. Valleau, a justice of the peace for said county, Andrew Low, at present of the county and State aforesaid, who being duly sworn, deposeth and saith, that he was present and did see Charlotte D. Scarbrough sign, seal, and deliver the annexed deed of trust, bearing date the twenty-second day of January, one thousand eight hundred and twenty-eight, the same being to William Taylor in trust, for her mother, Julia Scarbrough and children, and that John Guilmartin did sign with him at the same time as witness; and furthermore, that he did see William Taylor sign his acceptance of said trust.

AND'W LOW.

Sworn to before me this day of March, 1828.
HENRY J. VALLEAU, *J. P.*

Recorded 3d April, 1828.

STATE OF GEORGIA, *Chatham county:*

Clerk's office, superior court.

I, Edward G. Wilson, deputy clerk of the superior court of Chatham county, in the State of Georgia, do hereby certify, that the aforegoing is a true copy from the records of said office.

In testimony whereof, I have hereto set my hand, and to the top of the first page of this exemplification affixed the seal of said court, this twentieth day of July, A. D. eighteen hundred and thirty-nine.

EDWARD G. WILSON,
Dep. clk. Sup. C. C. C. Ga.

Exhibit D—*Exhibit D to bill.*

[L. S.] GEORGIA, *Chatham county:*

To the honorable the judge of the superior court, Chatham county:

The petition of Julia Scarbrough, widow, Julia Barnsley, wife of Godfrey Barnsley, by her pro ami Joseph Scarbrough, Charlotte Taylor, by her pro ami Joseph Scarbrough, the said Joseph Scarbrough in his own right, William Scarbrough, by his guardian ad litem and pro ami Joseph Scarbrough and Fanny Sistare, and Alice Sistare, children of Horace and Lucy Sistare, by their pro ami and father Horace Sistare:

Respectfully showeth, that by a deed of indenture, made and executed on the twenty-second day of January, in the year of our Lord one thousand eight hundred and twenty-eight, between Charlotte Scarbrough, (now Charlotte Taylor,) of the one part, and William Taylor of the other part, the said Charlotte conveyed to the said William Taylor all her right, title, and interest, of, in, and to the following lot or adjoining lots of land, containing in breadth ninty feet, and in depth two hundred and twenty-eight feet, more or less, situate, lying, and being on the west side of West Broad street, in the village of St. Gall, part of the city of Savannah, in the State of Georgia, and known by the numbers thirteen and fourteen, (13 & 14,) and which were formerly the property of John Shick, deceased; to have and to hold the same, upon certain uses and trusts therein mentioned and expressed, as will more fully appear by reference to said indenture, a copy of which is hereto annexed.

And your petitioners further shew unto your honor, that the said William Taylor accepted the said trust, and took upon himself the burthen thereof, but that he has since departed this life. Your petitioners therefore pray, that Robert M. Goodwin, esquire, may be appointed trustee in the room and stead of the said William Taylor, with all the powers and duties which were vested in the said William Taylor in his lifetime. And your petitioners, as in duty bound, will ever pray, &c.

JULIA SCARBROUGH.
For Julia Barnsley, JOS. SCARBROUGH.
" Charlotte Taylor, JOS. SCARBROUGH.
" Wm. Scarbrough, JOS. SCARBROUGH.
For Francis E. Sistare, H. SISTARE.
" Alice D. Sistare, H. SISTARE.
JOS. SCARBROUGH.

I consent that I shall be appointed trustee as prayed for in the foregoing petition.

ROBERT M. GOODWIN.

On reading the foregoing petition and consent, it is ordered that Robert M. Goodwin, esq., be appointed the trustee, in the room of the said William Taylor, deceased, with all the powers and duties which were originally vested in the said William Taylor.

CHARLES S. HENRY, *Judge*.

STATE OF GEORGIA, *Chatham county:*

Clerk's office, superior court.

I, Edward G. Wilson, deputy clerk of the said court, do hereby certify, that the aforegoing is a true copy of the petition and order appointing Robert M. Goodwin, trustee, under the deed executed on the 22d January, 1828, between Charlotte Scarbrough, (now Charlotte Taylor,) of the one part, and William Taylor of the other part, as appears from the original of file and record in said office.

In testimony whereof, I have hereto set my hand and affixed the seal of said superior court, this twenty-fifth day of August, A. D. eighteen hundred and forty-three.
[L. S.]

EDWARD G. WILSON,
Dep. clerk sup. C. C. C.

Exhibit E.—*Exhibit E to bill.*

Inventory of articles in the house West Broadway, recently occupied by Mr. G. Barnsley, June 29, 1843:

In principal story.

Small N. W. Room,	1 secretary and book, containing books 1 tray, 1 sopha, 1 pine-table 1 backgammon box
Breakfast room,	1 breakfast mahogany table, 1 alum basket
Ball room,	1 mirror, 1 liquor case, 2 chandeliers 4 pictures framed, 4 curtain ornaments 1 sideboard, with 2 knife and fork cases 1 castor and cruits, 2 plated candlesticks 2 extinguishers 2 lamps with glass shades
Hall,	1 mahogany table, 11 pictures in frames 2 stands for statuary
N. E. Room,	1 piano and music stool, 2 music books 1 picture framed, 2 curtain ornaments
S. E. Room,	1 sopha, 1 mahogany table 1 brass fender, 2 curtain ornaments

In second story.

S. E. Room,	1 mahogany table, 1 stand 1 couch, 1 wire-fender
In closet,	1 mahogany table
S. W. Room,	1 wardrobe, 1 fender 1 matrass, 1 feather bed, 1 bolster
Hall,	1 mahogany table
N. W. Room,	1 bedstead and bedding, 1 dressing glass 1 sopha, 1 couch, 1 bureau and glass 3 work-tables, 1 mahogany commode 1 washstand, 1 rocking chair 1 old carpet

In third story.

S. W. Room,	2 mahogany tables, 1 pine table

1 brass fender, shovel and tongs
4 curtains, 1 feather bed

N. E. Room, 1 old carpet, 1 single bedstead and bedding
1 washstand, 1 lampstand, 1 clock
1 bureau, 1 mahogany table
1 secretary and book-case, with books

Hall, 1 mahogany cradle

N. W. Room, 1 bureau, 1 small trunk, 1 bedstead
1 secretary and book-case, with books, 1 old carpet
1 box containing surveying instruments
4 pair dog irons, 1 fender, 1 wooden tray

In closet, A press containing books, curtain ornaments, &c.

And in various rooms are—

24 red morocco bottomed chairs, (2 of which are broken
2 hair bottomed arm-chairs
12 " chairs
24 drawing room chairs, drab seats
1 child's arm-chair
1 child's dining-chair

And in the basement are—

1 bathing tub, 2 casks
1 pine table, 1 coal scuttle
4 pots, 1 frying pan, 1 kettle, 1 brass kettle
2 ends of a mahogany table
1 mahogany bedstead
1 stand, 1 basket, 2 tubs.

The above inventory was taken by the subscribers at the request of Mr. James Taylor.

JOHN B. GALLIE.
D. R. ROLFE.

Exhibit F.—*Exhibit F to bill.*

Mail. SAVANNAH, 9*th Nov.*, 1835.

WM. SCARBROUGH, ESQ.,

Dear sir: We arrived here on the 1st instant, and hoped to have found a letter from you, which was not the case; but we were glad to learn from Mrs. Sistare that you and Mrs. S. were well, which I am happy in stating is the case with us, and both Julia and the children much benefited by the voyage. I had the pleasure of receiving in due

course, your favors of the 13th July and 6th August, and wrote to you at New York, but suppose you have not received the letter—Julia's letters to her mother we found here—so that you must have been ignorant of our movements during the summer. Julia unites with me in love to Miss S. and yourself, in which the children join and send kisses to their grandmamma and grandpapa. Turning from family matters to business, I beg to state that Mr. Robertson informs me the proceeds of the negroes, after deducting expenses, are short 12 to $18. This sum I purpose paying him, and take up your note to James Taylor, or Low, Taylor & Co.; consequently the $300 you received from me, will have to be placed at your debit.

From all I can learn, it would be very desirable for Mrs. S. to return, and hope she may with Mr. Sistare; it certainly will save considerable expense. With regard to Joseph, he manifested so decided a reluctance to the profession of the law, and seemed so desirous of a mercantile occupation, that after maturely considering the subject, Julia and myself came to the conclusion that it would be better to comply with his wishes, and then leave his future course, after the present year, to your own direction.

G. Barnsley & Son, as a favor to myself, have taken him, for one or two years, into their counting-room; but of course pay no salary. His expenses during the present year will probably be about £80. We placed him at board with the widow of a clergyman, and every arrangement made for his comfort. There is a letter here for you from him, which it is not necessary to incur postage upon. This is accompanied by one from Mrs. Isaac, who insisted on paying Mr. Dod for the clothes you ordered; they are now here waiting your instructions.

From the opinion which you know I have entertained of some parts of Mr. Low's conduct, I should have had no pleasure in making an application to him of the nature designated in the memorandum you gave me, dated 11th June, and I did not mention the subject to your sister.

In your letter to me, dated the 20th of April, a copy of which I presume you have retained, you state that you rent the house to me for five years, on condition that I continue the repairs and other improvements, with the (&c. &c.,) as heretofore, as well as the schooling and expenses of the boys as at present. From the tenor of your letter it would appear that you meant that I should pay for the education and support of the boys, to be considered as part of the rent; this I cannot suppose could be your meaning; but to avoid any misunderstanding, an early explanation is desirable. I have already expended nearly as much as the rent of a house would have been, and if to that and the repairs which are going forward, be added the support of the boys, an amount will be made which, with a small family of my own, it would be imprudent in me to incur in rent alone; besides which, it was understood on my part, that some of your negroes should remain on the premises; as it is, in case any difficulty should arise, I may be called upon for wages. Tommy has been at work all the summer making

chimney pieces, and assisting in painting it and making blinds for the four lower windows, which he has done very handsomely, and the house is greatly improved; it will be requisite for him to continue working there for about the time in which I shall receive an answer to this. Virgil is at work for Mr. Sistare; if agreeable to your arrangements with him, I should be glad to get him for the store at $15 per month, living at the house, or $18 without, to 1st July. I have a handsome iron railing, flags and curbstones coming out, but must defer placing them until I hear from you. I do not intend them as part of the rent, unless I remain in the house long enough to make it equitable; between you and myself there will be no difficulty, but I am naturally anxious to avoid coming into collision with other parties after the experience I have had.

Remaining, dear sir, very truly,
GODFREY BARNSLEY.

William was well and much improved; Mr. and Mrs. Robertson very kind to him.

Filed September 4, 1843.

GEO. GLEN, *Clerk.*

Subpœna ad respond.

UNITED STATES OF AMERICA, *District of Georgia:*

In the sixth circuit court of the United States for the district of Georgia.

The President of the United States, to James Taylor, Julia Scarbrough, Godfrey Barnsley and Julia Barnsley, his wife, Joseph Scarbrough, Robert M. Goodwin, Norman Wallace, and Andrew T. Miller, greeting:

For certain causes offered before the judges of the sixth circuit court aforesaid in equity, you are hereby commanded and strictly enjoined, that laying all other matters aside, and notwithstanding any other excuse, you personally appear at the clerk's office of the said court, in the city of Savannah, at rules to be held on the first Monday in October next, to answer to a bill of complaint, and for discovery and relief, exhibited against you in the said court by Charlote Taylor, by James M. Walker, her next friend, and to do further and receive what the said court shall have considered in that behalf; and this you may in no wise omit, under the penalty of five hundred dollars on you and each of you.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this fourth day of September, in
[L. S.] the year of our Lord one thousand eight hundred and forty-three.

JACKSON & HARDEN,
Solicitors for complainants.
GEO. GLEN, *Clerk.*

The defendants must enter their appearance in this suit in the clerk's office on or before rules day in October next, otherwise this bill will be taken pro confesso.

Received September 4th, 1843.

LEVI S. RUSSEL,
U. S. D. M. D. G.

Received at Athens, September 8, 1843.

ED. HARDEN, *Marshal.*

Marshal's return of service.

U. S. OF AMERICA, *District of Georgia:*

Savannah, September 4, 1843.

I have served copies of the within subpœna personally upon James Taylor, Julia Scarbrough, Robert M. Goodwin, Norman Wallace, and Joseph Scarbrough, and on Andrew T. Miller, by leaving it at his residence in the city of Savannah, with Miss Elizabeth Maxwell.

The return of LEVI S. RUSSELL,
U. S. D. M. D. G.

Served a copy of this subpœna personally upon Godfrey Barnsley and Julia Barnsley, his wife, this 12th day of September, 1843.

JOSIAH NEWTON,
U. S. D. M. D. G.

Returned and filed 21st September, 1843.

G. GLEN, *Clerk.*

Appearance of R. M. Goodwin, and Barnsley and wife, and executors of W. Taylor.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, vs. JAMES TAYLOR, JULIA SCARBROUGH, et al. } In equity.

Charlton and Ward enter an appearance for Robert M. Goodwin, one of the defendants in the above cause.

McAllister and Cohen enter an appearance for Godfrey Barnsley and Julia, his wife; also for Norman Wallace and Andrew T. Miller, defendants in the above cause.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, vs. JAMES TAYLOR, JULIA SCARBROUGH, & al. } In equity.

I appear in person in the above case.

JAMES TAYLOR.

Sixth circuit court of the United States for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, vs. JAMES TAYLOR, JULIA SCARBROUGH, et als. } In equity.

Order to take bill pro confesso as against Jos. Scarbrough.

Joseph Scarbrough, one of the defendants to the above bill, having failed to appear and answer, on motion of Jackson and Harden, complainant's solicitors, it is ordered that the said bill be taken pro confesso as against said Joseph Scarbrough, November 6th, 1843.

Filed November 6th, 1843.

G. GLEN, *Clerk.*

Petition to amend bill.

United States sixth circuit court, for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, vs. JAMES TAYLOR, JULIA SCARBROUGH, et als., defendants. } In equity.

To the honorable the judges of the sixth circuit court of the United States, for the district of Georgia.

The petition of the complainant sheweth, that some time since your petitioner filed her bill in this court against the said defendants, in which said bill your petitioner, amongst other things, averred in the words following, to wit: "And your oratrix further showeth unto your honors, that the said Julia Scarbrough is reduced by age and infirmities of body and mind to a state of incapacity, and is incapable, from want of mind and memory, of putting in an answer, and that she has no guardian to answer for her."

That your petitioner is since advised to amend her said bill, by striking out the words above quoted.

That the said Julia Scarbrough, although duly served with process, has never appeared, answered, demurred, or pleaded to the said bill. and that although three of the other defendants have answered, the said cause is not yet at issue, no replication having been filed.

Your petitioner therefore prays your honors, that she may have leave to amend her said bill on or before the next succeeding rule day, by striking out the said averment above quoted, on such terms as your honors may direct. And your petitioner shall ever pray, &c.

JACKSON & HARDEN.

Solicitors for petitioner.

SAVANNAH, 22d *November*, 1843.

Service of the within amendments acknowledged.

CHARLTON & WARD.

Dec'r 8, 1843.

McALLISTER & COHEN.

Dec'r 8*th*, 1843.

JAMES TAYLOR.

Dec'r 8*th*, 1843.

Judge's order to amend bill.

Upon the petition of the plaintiff, it was alleged, that since the coming in of some of the defendants' answers, the plaintiff has been advised to amend her bill, but shall not require any further answer from the defendants who have answered; and therefore it was prayed that the plaintiff may be at liberty to amend her bill by striking out the words following, to wit: "And your oratrix further showeth to your honors, that the said Julia Scarbrough is reduced by age and infirmities of body and mind to a state of incapacity, and is incapable from want of mind and memory of putting in an answer, and that she has no guardian to answer for her."

It is ordered accordingly, the plaintiff serving notice of said amendment on the defendants.

JNO. C. NICOLL, *Dis't judge.*

At rules, Dec. 4th, 1843, entered in rule book.

G. GLEN, *Clk.*

Between CHARLOTTE TAYLOR, by her next friend, James M. Walker, *and* JAMES TAYLOR, Julia Scarbrough, et als. } In equity.

Order for subp. to answer amended bill.

The complainant having obtained an order to amend her bill, it is further ordered at rules, that a new subpœna be taken out and served on Julia Scarbrough, one of the defendants, returnable to the next rules day in January. This order on motion of Jackson and Harden, complainants solicitors.

December 4, 1843, entered in equity rule book.

Dec. 4th, 1843.

Subpœna to answer amended bill.

United States sixth circuit court for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, vs. JAMES TAYLOR, Julia Scarbrough, Godfrey Barnsley and Julia Barnsley, his wife, Joseph Scarbrough, Robert M. Goodwin, Norman Wallace, and Andrew T. Miller, defendants. } In equity.

To Julia Scarbrough and Joseph Scarbrough: You will please take notice, that by virtue of an order to that effect, passed at rules on the fourth day of December instant, the said complainant hath amended her said bill by striking therefrom the following averment:

"And your oratrix further showeth unto your honors, that the said Julia Scarbrough is reduced by age and infirmities of body and mind to a state of incapacity, and is incapable, from want of mind and memory, of putting in an answer, and that she has no guardian to answer for her."

Dated this 9th December, 1843.

Yours, &c.

JACKSON & HARDEN,
Complainant's solicitors.

Filed 21st December, 1843.

G. GLEN, *Clerk.*

Return of service of notice to amended bill.

United States, marshal's office, Savannah, December 9th, 1843, served a copy of the within notice personally upon Julia Scarbrough and Joseph Scarbrough, this day.

ED. HARDEN,
United States marshal, for the district of Georgia.

UNITED STATES OF AMERICA, *district of Georgia.*

In the sixth circuit court of the United States, for the district of Georgia.

Subpœna.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant,
vs.
JAMES TAYLOR, Julia Scarbrough, Godfrey Barnsley and Julia Barnsley, his wife, Joseph Scarbrough, Robert M. Goodwin, Norman Wallace, and Andrew T. Miller, defendants. } In equity.

GEO. GLEN, *Clerk.*

The President of the United States, to Julia Scarbrough, greeting:

For certain causes offered before the judges of the sixth circuit court aforesaid in equity, you are hereby commanded and strictly enjoined, that, laying all other matters aside, and notwithstanding any other excuse, you personally appear at the clerk's office of the said court in the city of Savannah, at rules, to be held on the first Monday in January next, to answer to an amended bill of complaint, and for discovery and relief, exhibited against you and the other defendants above named, in the said court, by Charlotte Taylor, by James M. Walker, her next

friend, and to do further and receive what the said court shall have considered in that behalf; and this you may in no wise omit under the penalty of five hundred dollars on you.

Witness the honorable Roger B. Taney, chief justice of the superior court of the United States, this ninth day of December, in the year of our Lord one thousand eight hundred and forty-three.

JACKSON & HARDEN,
Solicitors for complainant.

Order that Julia Scarbrough enter her appearance.

The defendant, Julia Scarbrough, must enter her appearance in this suit to the amended bill of complainant, in the clerk's office, on or before rules day in January next, otherwise the bill will be taken pro confesso.

Filed December 21, 1843.

G. GLEN, *Clerk.*

United States, marshal's office, Savannah, Dec'r 9th, 1843, served a copy of the within subpœna upon Julia Scarbrough, this day.

ED. HARDEN,
United States marshal dist. Georgia.

Rec'd 9th December, 1843. ED. HARDEN, *U. S. M.*

In the sixth circuit court of the United States, for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker,
vs.
JAMES TAYLOR, Julia Scarbrough, and others. } In equity.

Order to argue objections for want of parties.

The defendants, Norman Wallace and Andrew T. Miller, who are represented by us, having in their answer suggested that complainant's bill is defective for want of parties, because of the nonjoinder of Mary C. Taylor, executrix of William Taylor, deceased, as a co-defendant, we hereby consent, that the above cause be set down for argument, upon that objection only, at the ensuing term.

McALLISTER & COHEN,
Defendants' solicitors.

SAVANNAH, *6th November*, 1843.

Filed Nov'r 6, 1843. G. GLEN, *Cl'k.*

6th circuit court of the U. S., for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend,
vs.
JAMES TAYLOR et al. } In equity.

Order that G. Barnsley have time to answer.

On motion of McAllister and Cohen, solicitors for Godfrey Barnsley

and Julia, his wife, defendants in the above case, it is ordered, that said defendants have leave to file their answers at any time on or before the fifteenth day of December next.

JNO. C. NICOLL, *dist. judge.*

November 6th, 1843.

Filed November 6th, 1843, at rules.

GEO. GLEN, *Cl'k.*

In the sixth circuit court of the United States, for the district of Georgia, to October rules, 1843.

CHARLOTTE TAYLOR, by her next friend, James M. Walker,
vs.
JAMES TAYLOR, Julia Scarbrough, Godfrey Barnsley and Julia Barnsley, his wife, Joseph Scarbrough, Robert M. Goodwin, Norman Wallace, and Andrew T. Miller. } In equity.

Personally appeared Godfrey Barnsley, one of the above named defendants, who being sworn, says, that since the service of the above subpœna, he has had no opportunity of consulting with counsel, or of preparing his answer, or that of his said wife, as he was absent from Savannah; that he cannot now prepare his answer in time for November rules, as it will take some time to find and collate the necessary papers. And this deponent further says, that he is forced to leave Savannah on business of importance, and the sickness of his wife will prevent her being in Savannah for some weeks.

GODFREY BARNSLEY.

Sworn and subscribed to before me, this 26th day of October, 1843.

JOS. BANCROFT,
Commissioner district Geo.

On motion of McAllister and Cohen, solicitors for Godfrey Barnsley and Julia, his wife, defendants in the above case, it is ordered, that said defendants have leave to file their answers at any time on or before the fifteenth day of December next.

JNO. C. NICOLL, *Dist. judge.*

November 6th, 1843.

In the sixth circuit court of the United States, for the district of Georgia, to October rules, 1843.

CHARLOTTE TAYLOR, by her next friend,
vs.
JAMES TAYLOR and others. } In equity.

To the honorable the judges of the sixth circuit court of the United States, for district of Georgia.

47/

The petition of Godfrey Barnsley and Julia, his wife, showeth, that since the service of the subpœna in the above case, they have been unable to prepare their answers, from sickness and other causes. And your petitioners further shew, that they are desirous of an extension of time, and pray your honors to grant them an order, extending the time to the rules day in January next.

McALLISTER & COHEN,
Sol'rs of Barnsley and wife.

Filed November 6th, 1843, at rules.

G. GLEN, *Cl'k.*

UNITED STATES OF AMERICA, *district of Georgia.*

In the sixth circuit court of the United States for said district.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant,
vs.
JAMES TAYLOR, JULIA SCARBROUGH, et al., defendants.
} In equity.

Answer of Goodwin, one of the defendants.

The separate answer of Robert M. Goodwin, one of the defendants, to the bill of complaint of Charlotte Taylor, by James M. Walker, her next friend, complainant.

This defendant, now and at all times hereafter, saving and reserving to himself all manner of benefit and advantage of exception to the many errors and insufficiencies in the complainant's said bill of complaint contained, for answer thereunto, or unto so much or such part thereof as this defendant is advised is natural for him to make answer unto, he answers and says:

1. That he has no knowledge whether exhibit A is or is not a correct copy of the last will and testament, with the probate thereof, of the said Robert Isaac.

2. That the original deed from the said complainant to the said William Taylor in trust, is still in existence, and under the control of this defendant; and that he believes that exhibit C is a correct copy of the same.

10. That he has no knowledge whether exhibit B is or is not a correct copy of the inventory of the goods and chattels of the said Robert Isaac.

11. Nor does he know anything of the wines and liquors inquired of in the eleventh interrogatory.

12. Nor does he know whether the said Godfrey Barnsley, or any other person, hath made way with the wines, liquors, and family stores, inquired of in the twelfth interrogatory.

16. Nor does he know whether there is now to be found any other personal property belonging to the premises enquired of in the sixteenth interrogatory.

17. That exhibit D is a true copy of the petition for, and appointment of, this defendant as trustee; that this defendant consented to act in the premises, at the request of Horace Sistare, who had married a sister of complainant, and of Joseph Scarbrough, the brother of the complainant; and that he supposed that he was acting with the consent of the complainant, not only because her said brother signed her name to said petition, but because, in conversations with the said complainant in reference to said subject, she, the complainant, never expressed the least objection to said appointment.

18. That the said William Taylor did depart this life, as charged by the complainant, and that he continued to be the trustee under said deed, so made by complainant, to the time of his death.

19. That the said William Taylor did not leave any accounts of his actings and doings as trustee, as aforesaid, the said William Taylor never having interfered, as this defendant believes, with the property, and having never received said trust property in his possession, or any rents, issues, and profits therefrom, the same being left in the custody and possession of such of the cestui que trusts as were then entitled thereto.

And this defendant further answering saith, that he denies that the said deed, so made by the said complainant to the said William Taylor, was made by compulsion, or undue means used towards the said complainant, or that it was made by the said complainant when she was under age; but on the contrary thereof, he answers and avers, that the same was made freely and voluntarily by the said complainant, and that the said complainant was of full age when she so executed said deed, as will more fully appear by reference to a letter written by the said complainant to her father, William Scarbrough, dated January 10th, 1828, a copy of which is hereto annexed, marked exhibit A, and which this defendant prays may be taken as part of this his answer to the complainant's bill.

And this defendant denies all unlawful combination and confederacy in the said bill charged.

All which matters and things this defendant is ready to aver, maintain, and prove, as this honorable court shall direct; and humbly prays to be hence dismissed, with his reasonable costs and charges in that behalf most wrongfully sustained.

CHARLTON & WARD,
Solicitors for defendant.

Sworn to this of 1843. Before me,

UNITED STATES OF AMERICA, *district of Georgia.*

I, Robert M. Goodwin, do solemnly swear, that the matters and things contained in this my answer, as far as concerns my own acts and deeds, are true of my own knowledge, and that what relates to the act and deed of any other person or persons I believe to be true, so help me God.

R. M. GOODWIN.

Sworn to this sixth day of November, A. D. 1843, at rules.

GEO. GLEN, *Clerk.*

Exhibit A to Goodwin's answer.

Exhibit A to Robert M. Goodwin's answer.

MY EVER HONORED FATHER: From a sense of my unworthiness, I am convinced that the love my dear uncle bore me, and which dictated his bequest to me in his last will, would not, could he now see my conduct, condemn me for pursuing the feelings of a heart strongly and sincerely devoted in affection to the members of my family. Having arrived at an age when I may with impunity legally make a transfer of that which has been so generously placed at my discretion, I unhesitatingly follow this course of conduct, unbiassed by any control whatsoever; and in the liberty I am now using, I am acting by my own free will, dictated by my feelings alone, and unknown to any person. Thus, then, I most emphatically transfer all my right to the said property (the gift of my ever lamented uncle) to my beloved mother, to be used and enjoyed as her unquestionable right, during her lifetime; and at her death and yours, to be equally divided between my sisters, brothers, and myself, my right operating in no manner in my favor to the exclusion of the other members of our family.

In thus making a transfer of the said property, I trust my much loved parent will acknowledge *are* slight proof of my gratitude for all his numerous kindnesses lavished on me. Most thankful do I feel for being made the simple instrument of accomplishing the will of him who has so kindly and generously placed his confidence in me; and in acting thus, convince the world that my devoted affection for him was pure, disinterested, and unbiased by any future expectation.

I am, dear sir, your most affectionate and grateful daughter,

CHARLOTTE D. SCARBROUGH.

January 10th, 1828, *Savannah*.

Filed at rules, 6th Nov., 1843.

GEO. GLEN, *Clerk*.

UNITED STATES OF AMERICA, *district of Georgia*.

In the sixth circuit court of the United States for said district.

CHARLOTTE TAYLOR, by her next friend, JAMES M. WALKER, complainant, vs. JAMES TAYLOR, JULIA SCARBROUGH, et al., defendants. } In equity.

Answer of N. Wallace and A. T. Miller, executors of W. Taylor.

The joint answer of Norman Wallace and Andrew T. Miller, defendants, to the bill of complaint of Charlotte Taylor, by James M. Walker, her next friend.

These defendants, now and all times hereafter, saving and reserving to themselves all manner of benefit and advantage of exception to the many errors and insufficiencies in complainant's said bill of complaint

contained, for answer thereunto, or unto so much, or such parts thereof, as these defendants are advised is material for them to make answer unto, answering say:

1st. That they believe that exhibit A, attached to complainant's bill of complaint, is a correct copy of the last will and testament, with the probate thereof, of Robert Isaac, deceased.

2d. They also believe that the original deed from the said complainant to William Taylor, deceased, in trust, is still in existence; that the same is in the possession of Robert M. Goodwin, esquire, and suppose that exhibit C, to complainant's bill, is a true copy.

5th. That they have no knowledge whatsoever of the transaction referred to.

7th. That they believe the said William Scarbrough did die about the time mentioned in complainant's bill, and that he was then notoriously insolvent for many years before, and at the time of the execution of said deed.

10th. That they believe that exhibit B, to complainant's bill of complaint, is a correct copy of the inventory of the goods and chattels of the said Robert Isaac in the house devised to complainant, but know nothing of the fact, or of any excepted articles.

11. That they do not know whether there was or not a large stock of wines and liquors, not shown to the appraisers.

12. Nor do they know whether the said Godfrey Barnsley, or any other person, hath made way with, or sold said wines and liquors, or other family stores, or any other of the said chattels.

16. Nor do they know whether there is now to be found any other personal property belonging to said premises, referred to in the sixteenth interrogatory.

18. Believe that the said William Taylor did depart this life as stated in complainant's bill, but do not believe he ever acted as trustee, though he may have assented to the trusteeship.

19. That they have never seen any account of the actings and doings of the said William Taylor as trustee, and do not believe that he ever left any such account, for he regarded the same as a mere family arrangement, and left every thing in the hands of the cestui que trust, who was then entitled to the use of the same.

And these defendants for further answer say, that they deny the right of complainant to call on them, as executors of the said William Taylor, for an account of the personal property conveyed by the complainant to the testator of these defendants in trust, because, in and by the terms of said trust deed, the said Julia Scarbrough, who is still living, has the use of said property for and during her natural life, nor can they give any account of said property, or the rents and profits of the real estate, because the said real and personal property never passed into the hands of the said William Taylor in his lifetime, nor into the control or possession of these defendants since his death, but has always, as far as these defendants are advised and believe, been in the possession, and under the management of the said Julia Scarbrough, the cestui

que trust entitled to the same under the said deed. And these defendants for further answer suggest, that the said bill is defective for want of parties, because Mary C. Taylor, the widow of the said William Taylor is, with these defendants, the duly qualified and acting executrix of the said William Taylor.

And these defendants deny all unlawful combination in complainant's said bill of complaint charged.

All which matters and things these defendants are ready to aver, maintain, and prove, as this honorable court may direct; and humbly pray to be hence dismissed, with their reasonable costs and charges in that behalf most wrongfully sustained.

McALLISTER & COHEN,
Defendants' Solicitors.

UNITED STATES OF AMERICA, *district Georgia.*
6th circuit court.

You, Norman Wallace and Andrew T. Miller, do solemnly swear, that what is contained in this your answer, as far as concerns your own acts and deeds, are true of your own knowledge, and that what relates to the act and deed of any other person or persons, you believe to be true, so help you God.

NORMAN WALLACE.
ANDREW T. MILLER.

Sworn to this 6th day of November, 1843. Before me,
JOS. BANCROFT,
Commissioner Dist. Geo.

Filed, 6th Nov., 1843.

G. GLEN, *Clerk.*

UNITED STATES OF AMERICA, *district of Georgia.*
In the sixth circuit court of the United States for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant,
vs.
JAMES TAYLOR, Julia Scarbrough, Godfrey Barnsley and Julia Barnsley, his wife, Joseph Scarbrough, Robert M. Goodwin, Norman Wallace, and Andrew T. Miller, defendants.
} In equity.

Answer of James Taylor.

The answer of James Taylor, one of the defendants, to the bill of complaint of Charlotte Tayler, complainant, by her next friend, James M. Walker.

This defendant, now and at all times hereafter, saving and reserving unto himself all benefit and advantage of exception which can or may be had or taken to the many errors, uncertainties, and other imperfec-

tions in the said complainant's said bill of complaint contained, for answer thereunto, or unto so much and such parts thereof as this defendant is advised is or are material or necessary, and as is required by the said complainant, for him to make answer unto, this defendant answering, saith, that off and on, from the fall of the year eighteen hundred and *twenty-two*, until the death of the said Robert Isaac, on the sixteenth day of October, in the [year] eighteen hundred and *twenty-seven*, this defendant believes that the complainant, Charlotte Taylor, then Charlotte Scarbrough, resided the greater part of her time in the family of the said Robert Isaac, and this defendant is certain that she was a constant resident of said family from the time she accompanied the said Robert Isaac to England, in April of the year eighteen hundred and *twenty-five*, until some time after his death, as before stated; and this defendant further answering saith, that according to the best of his information and belief the said complainant was born on the fourth day of August, in the year eighteen hundred and *seven*, and believes he has heard this from the defendant Julia Scarbrough; and that, on the evening of the execution of the deed to William Taylor, in trust, as charged by the complainant, this defendant having been requested by the late William Scarbrough, and others, to sign as a witness to the same, this defendant having refused to do so on the ground of injustice to the complainant of the transaction, the said William Scarbrough became excited, and remarked to this defendant that perhaps this defendant was not aware that in this country a female could lawfully execute a deed at the age of eighteen years; from which remark this defendant inferred that the said William Scarbrough knew that the complainant was then an infant, under the age of twenty-one years. This defendant has no reason to doubt but the said William Scarbrough kept a family register in his *own handwriting*, but on referring to the large family bible, in which he supposes the records of marriage, births and deaths, were kept, he finds that the leaves usually appropriated to such purpose have been torn out or abstracted.

This defendant further answering saith, that at the execution of the deed referred to the said William Scarbrough and Julia Scarbrough resided on the premises therein described, and that Mrs. Scarbrough has ever since continued to reside there, having been occasionally absent on short visits to the North, England, and the interior of Georgia, and that she still resides there. The said William Scarbrough considered the said house as his home up to his death, but was occasionally absent, sometimes living in Darien, and other places.

This defendant further answering saith, that the said William Scarbrough died in the city of New York, and was buried from the residence of this defendant in said city, on the twelfth day of June, in the year eighteen hundred and thirty-eight; and this defendant believes him to have failed in business in the year eighteen hundred and *nineteen*, and to have continued notoriously insolvent up to his death as aforesaid.

This defendant further answering saith, that he believes, from the

statements made to him at the time by the said complainant, she could not avoid signing the deed, and that her situation was very unhappy and deplorable, by the reason of the importunities of her parents and sisters for her to execute said deed, and that this belief of her unhappy situation operated upon this defendant in a very great measure to consummate his engagement to marry said complainant twelve months prior to the period before intended.

This defendant further answering saith, that exhibit E, annexed to complainant's bill, is an original inventory of the furniture and other chattels in the house referred to in West Broad street, on the twenty-ninth day of *June last*, and that it was taken after notice to the defendant Godfrey Barnsley of the time and place of taking it, which this defendant believes to be essentially correct, excepting a snuffer and tray, two silver salters lined with gold, two silver salt spoons, three glass cut dishes recently discovered, and six silver tea and three table spoons, which were *intentionally* omitted with the view of adding any articles supposed to be in the vault, but to which complainant has never since obtained access.

This defendant further answering saith, that until he saw a copy of the deed referred to, sent on to him in eighteen hundred and *forty-one*, he had always refused to interfere in any way with the rights of the complainant in the premises, and that in the year eighteen hundred and forty-one, or January following, he submitted the deed to legal friends in New York and Charleston for opinion, but without any intention of setting up a claim to the property for himself, but solely with the view to the rights and equities of the complainant, and in answer to her solicitations.

This defendant further answering saith, that soon after his marriage with the complainant he was importuned and urged by her to aid her in taking the necessary steps to avoid the said deed, but that he refused until the year eighteen hundred and *forty-one*, or January following, as before stated, even to take the opinion of counsel; this defendant always urging upon his said wife his indisposition to interfere in family disputes.

This defendant further answering saith, that at the time of the execution of said deed he did, on the representations of the said complainant, advise her not to execute the same, believing that she was unkindly treated by the family, that they were using unfair means and exercising undue influence to obtain the object, and that she would regret the act. This defendant expressed his opinion to her of the illegality of the proceeding, but positively refused to interfere in her family quarrels, or to claim the property, this defendant then being in a prosperous business, and calculating that, if he lived, his estate would in two or three years be worth twenty or thirty thousand dollars.

This defendant further answering saith, that he has never in any way set up any claim to the said property, or any part thereof; that he has never reduced the same to his possession, or exercised any act of ownership over it; and that he has never, except during temporary visits to the said house, as the guest of the defendant Julia Scarbrough, or other

members of the family, used or enjoyed the furniture or other chattels, or any thing else connected with the premises.

And this defendant denies all and all manner of unlawful combinations and confederacy wherewith he is by the said bill charged; without this, that there is any other matter, cause, or thing in the said complainant's said bill of complaint contained, material or necessary for this defendant to make answer unto, and not herein and hereby well and sufficiently answered, confessed, traversed, avoided, or denied, is true to the knowledge or belief of this defendant. All which matters and things this defendant is ready and willing to aver, maintain, and prove as this honorable court shall direct, and humbly prays to be hence dismissed with his reasonable costs in this behalf sustained.

JAMES TAYLOR.

UNITED STATES OF AMERICA,
District of Georgia, Chatham county.

You, James Taylor, do solemnly swear, that what is contained in this your answer, as far as concerns your own act and deed, is true of your own knowledge; and that what relates to the act and deed of any other person or persons, you believe to be true, so help you God.

JAMES TAYLOR.

Sworn to this 4th November, 1843, before me,
M. MYERS, *J. J. C. C. C.*

Filed November 6, 1843, at rules.

GEO. GLEN, *Clk.*

Separate answer of Barnsley.

UNITED STATES OF AMERICA,
District of Georgia.

In the sixth circuit court of the United States for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant,
vs.
JAMES TAYLOR, Julia Scarbrough, et al., defendants.
} In equity.

The separate answer of Godfrey Barnsley, defendant, to complainant's bill of complaints.

This defendant, now and at all times hereafter, saving and reserving to himself all and all manner of benefit and advantage of exception to the many errors and insufficiencies in complainant's said bill of complaint contained, for answer thereunto, or unto so much or such parts thereof as this defendant is advised is material for him to make answer unto, answering, says:

3d. That he does not know any thing of the matter.

4th. That he has never had, nor has he at the present time, any doubt that the said complainant, the said Charlotte Taylor, was of legal

age at the time of the execution of said deed; for in 1838, when ignorant of complainant's alleged infancy at the time of the execution of said deed, this defendant copied from the family bible the names and dates of the births of the then surviving children of William and Julia Scarbrough, and the time of the birth of complainant was therein stated to be on the fourth day of August, eighteen hundred and six; and this defendant has also seen a letter from Robert Mackay, esquire, now deceased, (the godfather of the complainant,) dated Savannah, the 24th day of December, 1806, addressed to his wife, Mrs. Eliza Mackay, then in Liverpool, in which mention is made of complainant, then an infant, an extract of which letter is hereunto annexed, and marked "exhibit A," and which defendant prays may be taken as part of this his answer.

5th. Does not know of any consideration other than that stated in said deed.

6th. Believes that at the time of the execution of said deed the said William Scarbrough sometimes resided at Darien, in this State, and sometimes on the premises referred to, and for some years afterwards continued to do so; subsequently he generally resided on said premises, but once went to England, and twice to the North; that the said Julia, then and since, has constantly resided on the premises, except during one visit to England and several visits to the North, and one visit to the interior of this State.

7th. The said William Scarbrough died in 1838, and defendant believes he then was, and had been for some time previous. insolvent.

8th. Has never heard of any unkind treatment of the complainant by her family, or of importunity to sign the deed; always believed it was a voluntary act, and intended to fulfil the design of Robert Isaac, whose title this defendant deemed more than doubtful, in consequence of the marriage settlement of the said Julia and William Scarbrough, dated at Wilmington, North Carolina, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and five, a copy of which is hereunto appended, and marked as "exhibit B," and which defendant prays may be taken as part of this his answer.

And furthermore defendant does not believe that any coercion was used to induce complainant to sign and execute said deed, but on the contrary believes it was entirely voluntary, and at the time was a source of pride to complainant.

9th. Does not believe that the complainant's statement is true, in relation to the treatment received from her family.

11th. Does not know how large the stock of wines and liquors was at the time of the appraisement, nor its value, but believes that the same was not shown to the appraisers, nor ever conveyed to the said Robert Isaac, or by him bequeathed to complainant, or that she ever had the shadow of a title to the same.

12th. This defendant has used a few dozen of the wine found on said premises, and also sold one hundred and fifty-three bottles, and received therefor, on the twenty-third day of April, eighteen hundred and thirty-nine, the sum of seven hundred and sixty-five dollars, which sum

was credited on the account of the said Julia Scarbrough; and this defendant also, when he left the premises in June last, took with him about two dozen of said wine, leaving the same quantity of other wine in stead thereof. But this defendant used and sold the said wine under the following circumstances, believing that he had a perfect right to do so. This defendant removed to said premises in eighteen hundred and thirty-five at the request of the said William and Julia Scarbrough, and the said William Scarbrough, who claimed the said wine, repeatedly requested defendant to use it, and to do with it as he pleased; and besides which, this defendant has paid, on account of the said William and Julia Scarbrough, large sums of money for the education of their children, and other purposes, as will more fully appear by reference to the account current hereunto annexed, and marked "exhibits C and D," and which he prays may be taken as part of this his answer, by which it will be seen there still remains due and unpaid the sum of three thousand two hundred and seventy-six dollars and sixty-four cents, exclusive of interest, since the 15th of June, 1841. The said Julia Scarbrough has also, at various times, given wines and liquors to Horace Sistare, who intermarried with Lucy Scarbrough, the sister of complainant. When this defendant left the premises some wines and liquors remained, but does not recollect the precise quantity, but he believes there were about two dozen bottles of wine; he knows of no other family stores.

13th. This defendant resided on the premises from November, 1830, to April, eighteen hundred and thirty-one. About April or May, eighteen hundred and thirty-five, this defendant, at the request of William and Julia Scarbrough, again went to reside on said premises, and continued there until June last, and upon what terms he so resided he refers to a letter from William Scarbrough, dated Savannah, the twentieth of April, eighteen hundred and thirty-five, a copy of which is herewith filed, and marked exhibit E, and defendant prays may be taken as part of this his answer; this defendant, however, objected to do more than to advance the sums required for the education of the two sons of the said William and Julia Scarbrough, as will more fully appear by reference to "exhibit F" of complainant's bill. This defendant also received personal assurances from the said William Scarbrough that he might consider said premises as a home for himself and his family during the life of the said Julia Scarbrough, and with this assurance this defendant was induced to expend large sums of money for repairs and improvements, an account of which, amounting to the sum of ten thousand four hundred and ninety-nine dollars and fifty-eight cents, is hereunto annexed "as exhibit F," and which he prays may be taken as part of this his answer; besides which he has also paid the State, county, and city taxes during nearly the whole period he resided there; he also had a negro man employed for several years in painting, glazing, cementing, and doing other work on the premises, and paid other sums of money not charged in said account, amounting as he believes to the aggregate value of two thousand dollars.

This defendant never was aware that the said deed was without consideration, nor has he ever heard so; about two years ago he heard that complainant intended to contest the validity of said deed, on the ground that she was under age at the time of its execution, but he now believes that she has in her possession papers belonging to the family, which would prove that she was of age at the time of its execution, and he was under the impression that she had abandoned all idea of contesting the validity of said deed, because in April last she became his guest, and never once spoke of the subject.

14th. "Exhibit F" is an original letter of this defendant to the said William Scarbrough.

15th. Does not know if "exhibit E" is an original and true inventory or not.

16th. Knows of no other personal property belonging to the premises.

And this defendant further answering says, that he has understood, and so charges, that no marriage settlement was ever entered into between the said Charlotte Taylor, the complainant, and her husband, the said James Taylor, who has recently been declared a bankrupt; and any interest which the said Charlotte Taylor may have in the said property, or any claim against this defendant, belongs to the said James Taylor, or his assignee in bankruptcy.

And this defendant for further answer says, that the premises mentioned in complainant's bill were secured to the said Julia Scarbrough and her children, by deed of marriage settlement, duly executed, by and between the said William Scarbrough and Julia, his wife; and this defendant is instructed, and so charges, that said deed of marriage settlement, was, and is, valid as between the parties to the same, and that therefore the said William Scarbrough had no right, power, or authority, to convey the same to the said Robert Isaac, and that therefore the said Robert Isaac could have conveyed no legal interest in the same to the said Charlotte Taylor, by will or otherwise; and this defendant believes, and so expects to prove, that the said Robert Isaac always held the said premises subject and accountable to the marriage settlement of the said William Scarbrough, on his said wife Julia Scarbrough, and he has always heard it in the family that the complainant, Charlotte Taylor, executed the said trust deed freely and voluntarily, and with a view to carry out the wishes and intentions of her uncle, which would otherwise have been defeated; and that it always was a subject matter of pride and boast on her part; but the defendant most positively denies that the late William Scarbrough was capable of using any one with harshness, and could certainly never have been guilty of such treatment to any of his own offspring. And this defendant further answering denies that the said premises on West Broad street were purchased by the said Robert Isaac at marshal's sales, as charged in complainant's bill, or that complainant has or ever had any right, title or claim, to the wines and other liquors in said house, none of which has defendant ever used or sold, except by the authority of the said William Scarbrough, to whom they belonged.

And this defendant most solemnly denies, that he ever knew (until about two years since) that complainant had any claim upon said property, other than her interest under the deed of trust from herself to the said William Taylor; that he heard then for the first time of her intention to endeavor to set aside said deed, which intention he supposed was abandoned, until he was served with the subpœna ad respondendum in this case.

And this defendant for further answer saith, that he denies all unlawful combination in complainant's said bill of complaint charged.

All which matters and things this defendant is ready to aver, maintain, and prove, as this honorable court may direct; and humbly prays to be hence dismissed, with his reasonable costs and charges in that behalf most wrongfully sustained.

McALLISTER & COHEN.
Defendants' solicitors.

UNITED STATES OF AMERICA,
Sixth circuit court, district Georgia.

You, Godfrey Barnsley, do solemnly swear, that what is contained in this your answer, as far as concerns your own acts and deeds, are true of your own knowledge, and that what relates to the acts and deed of any other person or persons, you believe to be true, so help you God.

GODFREY BARNSLEY.

Filed Dec. 14th, 1843.

GEO. GLEN, *Clerk.*

Sworn to this 14th day of December, 1843, before me,
JOS. BANCROFT,
Commissioner district Georgia.

UNITED STATES OF AMERICA,
District of Georgia.

In the sixth circuit court of the United States, for said district.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, vs. JAMES TAYLOR, Julia Scarbrough, et al., defendants. } In equity.

Answer of Mrs. Barnsley.

The separate answer of Julia H. Barnsley, one of the defendants, to the bill of complaint of Charlotte Taylor, by James M. Walker, her next friend.

This defendant, now and at all times hereafter, saving and reserving to herself all manner of benefit and advantage of exception to the many errors and insufficiencies in complainant's bill of complaint contained, for answer thereto, or unto so much, or such parts thereof, as this defendant is advised it is material for her to make answer unto, answering says:

3. That complainant, the said Charlotte Taylor, always called her mother's house her home; that she lived as much there as with her uncle, the said Robert Isaac, although said complainant did spend one summer with her said uncle, in the city of Savannah, one with him and his family at the North, and one in England; that the said complainant was not for many years previous to the death of the said Robert Isaac a resident in his family.

4th. That complainant was not an infant under the age of twenty-one years, at the time of the execution of the deed referred to; that said complainant was born in the city of Savannah, on the fourth day of August, eighteen hundred and six, as this defendant has repeatedly seen stated in the family bible, which was in the possession of one of the defendants, Julia Scarbrough, previous to her residence with complainant, in the summer of eighteen hundred and forty-two, which bible this defendant believes is at this time in the possession or under the control of complainant, and the production of which, at the trial of this case, this defendant now invokes.

5th. That this defendant knows of no consideration, other than that expressed in the deed referred to.

6th. That the said Julia Scarbrough lived at the time of the execution of said deed on the premises, and the said William Scarbrough made frequent visits from Darien, in McIntosh county, in this State, where he resided at the time, until his removal from that place in the year eighteen hundred and thirty-three, after which period he resided on the premises, with the exception of occasional visits to England and the North.

Subsequently the said Julia Scarbrough has lived on the premises, and always considered them as her own; until recently, the complainant never pretended to have any claim thereon; for, as late as April or May last, when this defendant asked complainant "if it was true as she, this defendant, had been informed that she (the complainant) intended to attempt to set aside said deed," the complainant stated she had no such intention.

7th. That the said William Scarbrough departed this life in the year eighteen hundred and thirty-eight, and this defendant believes he had been insolvent for several years anterior to his decease.

8th. That this defendant knows of no importunity, or coercion of any kind whatever, exercised by any one to induce complainant to execute said deed. This defendant knows of no unkind treatment whatever towards complainant, nor does this defendant believe that any importunity, coercion, or unkind treatment was ever extended towards complainant, but this defendant believes that the execution of said deed was the voluntary and free act of complainant.

9th. That the statement made by complainant of the treatment of her by the family of the said Julia and William Scarbrough, is utterly and entirely untrue; that complainant was always treated by them most kindly. This defendant believes her father would never have permitted complainant to be treated unkindly by any member of his family.

could the wish to do so have been entertained; that her father never, to the knowledge of this defendant, spoke an unkind word to any one of his daughters; that complainant never was secluded from society, or prevented from taking the advice of friends, even if the said James Taylor, to whom complainant's engagement to marry, was a source of regret to her family.

11th. This defendant does not know if the wine in the vault was exhibited to the appraisers. In eighteen hundred and twenty-five, there was some wine in the vault, and some rum and Farintosh, the quantity and value unknown to this defendant.

12th. That the said William Scarbrough, while residing in Darien, was in the habit of using the said wines for table use, and previous to the marriage of this defendant with Godfrey Barnsley in the year eighteen hundred and twenty-eight, they were commonly used for the same purpose; that during the whole period this defendant, with her husband, resided on the premises, the said Godfrey Barnsley always furnished the table with wines and spirits, using the wine in the vault in small quantities on special occasions, although the said William Scarbrough gave him the said wine, telling him to use it at his pleasure.

This defendant does not believe the said Godfrey consumed more than three dozen of said wine, excepting some Malmsey wine, which having been purchased at the time of the birth of this defendant, was always called her wine, the quantity of which is unknown to this defendant; that this defendant has understood that said Godfrey Barnsley did sell a portion of said wine, (amount of which is unknown) and placed the proceeds to credit of Julia Scarbrough, the mother of this defendant.

That the said Julia Scarbrough sent portions of said wines to complainant and her husband, the said James Taylor, whenever they desired it, and also a portion of it to one Horace Sistare, who had intermarried with Lucy, one of the daughters of said Julia. This defendant knows of no family stores on said premises when she went to reside there with her husband, or chattels, excepting some plate and furniture, of which care was taken, and which were left on the premises when this defendant and her husband removed therefrom, except a few articles worth about $50, which have been returned to the said Julia Scarbrough. This defendant saith, that when her husband and herself went to reside on the premises, in the year 1835, the dwelling-house and out-buildings were in a dilapidated state, and she believes the roof of the house would have soon fallen in; that considerable repairs and improvements were made thereon at the expense of her husband, the said Godfrey, with the approbation of the said Julia and William Scarbrough, and with the understanding that defendant and her husband were to find a home there.

13th. This defendant and her husband, the said Godfrey, went to reside with the said William and Julia Scarbrough on the premises, in November, 1830, and left in April, 1831. On the first of May, 1835, they returned, at the express invitation of the said William and Julia,

and continued to reside with them, in company with the two brothers of this defendant, and for a portion of the year 1831, in company with Horace Sistare and his wife. This defendant and her husband continued so to reside on the said premises until the month of June, 1843; that during the period of their residence on said premises, the husband of this defendant defrayed all the expenses of house-keeping, with the exception of a few months in the year 1831, when they were divided between the said Godfrey and the said Horace Sistare; and with the exception of fifty dollars received by this defendant in the summer of 1837 from her father, the said William Scarbrough.

That this defendant heard for the first time, about two years ago, that complainant set up the pretence that said deed was void, on the alleged ground of infancy. This defendant believes that her husband, about same time, first heard of said pretence, but that on reference to the family bible, then in the possession of said Julia Scarbrough, he declared it absurd. This defendant heard nothing about a want of consideration in said deed.

14th. This defendant believes it is, but knows nothing of it.

15th. This defendant knows nothing of the facts inquired of in this interrogatory.

16th. This defendant knows of none.

And this defendant denies all unlawful combination in complainant's said bill of complaint charged.

All which matters and things this defendant is ready to aver, maintain, and prove, as this honorable court may direct; and humbly prays to be hence dismissed, with her reasonable costs and charges in that behalf most wrongfully sustained.

JULIA H. BARNSLEY.

Sworn to before me, this 12th day of December, 1843.

AUGUSTUS R. WRIGHT,
Judge of superior courts of the Cherokee circuit, Georgia.

Filed December 18th, 1843.

G. GLEN, *Clerk*.

United States sixth circuit court, for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, &c., &c., &c.
vs.
JAMES TAYLOR, Julia Scarbrough, et als. } In equity.

Notice of motion to take answer of Julia H. Barnsley from file.

GENTLEMEN: You will please take notice that we shall, at rules, on the first day of January next, move the judges, or a judge of said court, for an order to take the answer of Julia H. Barnsley off the file, on the following grounds:

1st. Because the said Julia Barnsley has put in a separate answer from her husband, Godfrey Barnsley, without an order for that purpose.

2d. Because the said answer does not contain the signature of counsel.

3d. Because the said answer is not properly sworn to by the said defendant.

And that we shall also, at the same time and place, move to have the answer of the defendant, Godfrey Barnsley, referred for impertinence, on exceptions to be filed; because exhibits "C," "D," and "F," are not relevant or pertinent to the charges or the interrogatories in complainant's bill contained, not material to the said defendant's case, and therefore impertinent.

Yours, &c., &c.
JACKSON & HARDEN,
Complainant's Solicitors.

To Messrs. McAllister & Cohen,
Solicitors of Godfrey Barnsley and Julia, his wife.

Savannah, 28th December, 1843.

Filed January 1st, 1844.

G. GLEN, *Clerk*

United States sixth circuit court, district of Georgia.

Charlotte Taylor, by her next friend, &c., &c., &c.
vs.
James Taylor, Julia Scarbrough, et al. } In equity.

Exceptions to Barnsley's answer.

Exceptions taken by the above named complainant, to the answer put in by the defendant, Godfrey Barnsley, to the bill of complaint of Charlotte Taylor, for impertinence.

1*st exception.* For that the said answer is impertinent in and including exhibit "C."

2*nd exception.* For that the said answer is impertinent in and including exhibit "D."

3*rd exception.* For that the said answer is impertinent in and including exhibit "F."

In all which particulars this exceptant excepts to the said answer put in by the said defendant, Godfrey Barnsley, to the said bill of complaint as impertinent, and she humbly insists that the same ought to be expunged from the said answer.

JACKSON & HARDEN,
Complainant's Solicitors.

Filed at rules, January 1st, 1844.

G. GLEN, *Clerk.*

Sixth circuit court U. S.

CHARLOTTE TAYLOR, by her next friend,
vs.
G. BARNSLEY and wife, and others.
} In equity.

Order that Barnsley and wife answer jointly.

On motion of McAllister and Cohen, solicitors of G. Barnsley and wife, and with consent of complainant's solicitors, it is ordered, that the said Barnsley and wife do file their joint answer on or before the 26th instant.

SAVANNAH, *5th February*, 1844.

We consent to the entering the above order, as of rules, this day. 5th February, 1844.

JACKSON & HARDEN,
Complainant's solicitors.

Ent'd at rules, 5th February, 1844.

G. GLEN, *Cl'k.*

UNITED STATES OF AMERICA, *district of Georgia:*

In the sixth circuit court of the United States, for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant,
vs.
JAMES TAYLOR, Julia Scarbrough, et al., defendants.
} In equity.

Joint answer of Barnsley and wife.

The joint answer of Godfrey Barnsley and Julia H. Barnsley, his wife, to the bill of complaint of Charlotte Taylor, by her next friend, James M. Walker.

These defendants, now and at all times hereafter, saving and reserving to themselves all manner of benefit and advantage of exception to the many errors and insufficiencies in complainant's bill of complaint contained, for answer thereunto, or unto so much thereof, or such parts thereof, as these defendants are advised it is material for them to make answer unto, answering, say:

3rd. That complainant, the said Charlotte Taylor, always called her mother's house her home; that she lived as much there as with her uncle, the said Robert Isaac, although said complainant did spend one summer with her said uncle in the city of Savannah, one with him and his family at the North, and one in England; that said complainant was not for many years previous to the death of the said Robert Isaac a resident in his family.

4th. That complainant was not an infant under the age of twenty-one years at the time of the execution of the deed referred to; that said complainant was born in the city of Savannah, on the fourth day of

August, eighteen hundred and six, as the defendant, Julia H. Barnsley, has repeatedly seen stated in the family bible, which was in the possession of one of the defendants, Julia Scarbrough, previous to her residence with complainant, in the summer of eighteen hundred and forty-two, which bible these defendants believe is at this time in the possession or under the control of complainant, and the production of which at the trial of this case these defendants invoke. The defendant, Godfrey Barnsley, never entertained a doubt, nor does he now, that said Charlotte Taylor was of legal age at the time of the execution of said deed; for in the year eighteen hundred and thirty-eight, he copied from said family bible the names and dates of the births of the then surviving children of William and Julia Scarbrough, and the time of the birth of complainant was therein stated to be on the said fourth day of August, eighteen hundred and six; and this defendant, Godfrey Barnsley, has also now in his possession a letter from Robert Mackay, esq., deceased, (the god-father of complainant,) dated Savannah, 24th November, 1806, addressed to his wife, Mrs. Eliza Mackay, then in Liverpool, in which mention is made of complainant, then an infant, an extract of which letter is hereto annexed, marked "exhibit A," and which defendants pray may be taken as part of this their answer.

5th. Do not know of any consideration other than stated in said deed.

6th. That said Julia Scarbrough lived on the premises at the time of the execution of said deed; that the said William Scarbrough sometimes resided in Darien, and sometimes on the premises referred to, until his final removal from that place in the year eighteen hundred and thirty-three, after which period he resided generally on said premises, but once went to England, and three times to the North; that the said Julia Scarbrough then and since has constantly resided on the premises, and always considered them as her own; these defendants say, that complainant never, as far as they know, ever pretended to have any claim thereto, and as late as April or May last, when defendant, Julia H. Barnsley, in consequence of rumours which had recently reached her, asked complainant "if it was true as she (the said Julia H. Barnsley) had been informed, that she (the complainant) intended to attempt to set aside said deed," the complainant stated "she had no such intention."

7th. That said William Scarbrough departed this life in the year eighteen hundred and thirty-eight, (1838,) and these defendants believe he had been insolvent several years anterior to his decease, but how long these defendants do not know; they believe he failed in the year 1819.

8th. Have never heard of, nor do these defendants know of, any unkind treatment of the complainant by her family, or of any importunity or coercion used towards complainant to induce her to sign said deed; these defendants always believed, and still believes, the execution of said deed; was the free voluntary act of complainant, and intended to fulfil the design of the said Robert Isaac, whose title to the premises

these defendants insist is more than doubtful, in consequence of a deed of marriage settlement between the said William Scarbrough and Julia, his wife, dated at Wilmington, North Carolina, on the eighteenth day of April, eighteen hundred and five, a copy of which is hereto annexed as "exhibit B," and which these defendants pray may be taken as part of this their answer.

9th. That the statement made by complainant, of the treatment of her by the family of the said Julia and William Scarbrough, is utterly and entirely untrue; these defendants believe the treatment of the complainant was kind and affectionate; the defendant, Julia H. Barnsley, says, that her father, the said William, would never have permitted the complainant to be treated unkindly by any member of his family, had the wish so to treat her been entertained; that said William never, to the knowledge of this defendant, Julia H., used an unkind word to any one of his daughters. These defendants do not know or believe, that complainant was secluded from society, or prevented from taking the advice of friends, even of the said James Taylor, one of the defendants, to whom complainant's engagement to marry ever was a source of regret to her family.

11th. That these defendants do not know how large the stock of wine and liquors was at the time of the appraisement; believe the same was not shown to the appraisers; that same never was conveyed to the said Robert Isaac, or bequeathed by him to complainant; that there was some rum and Farintosh, the quantity and value unknown to these defendants.

12th. That this defendant, Godfrey Barnsly, after his marriage, used a few dozen of the wine found on said premises, and also sold one hundred and fifty-three bottles, and received therefor seven hundred and sixty-five dollars, on the twenty-third day of April, eighteen hundred and thirty-nine, which sum was credited to the account of the said Julia Scarbrough. And this defendant, Godfrey Barnsley, when he left the premises in June last, took with him about two dozen of said wine, leaving that same quantity of other wine instead thereof; but this defendant used and sold said wine, under the following circumstances, and believing he had a perfect right to do so: This defendant, with his wife, the said Julia H., removed to said premises in the year eighteen hundred and thirty-five, at the request of the said William and Julia Scarbrough; and the former, who claimed the said wine as his own, repeatedly requested defendant to use it, and to do with it as he pleased; and besides which, this defendant, Godfrey Barnsly, has paid, on account of the said William and Julia Scarbrough, large sums of money for the education of their children, and for other purposes, as will more fully appear by reference to the accounts current hereto annexed, marked exhibits "C" and "D," and which these defendants pray may be taken as part of this their answer. While residing on said premises, the wines and liquors, for table use, were furnished by defendant Godfrey Barnsley; when defendants left the premises some wines and liquors remained; do not know the quantity; believe there were about

two dozen bottles of wine. That the said Julia Scarbrough, as these defendants believe, sent portions of said wine, at various times, to complainant and her husband, and to one Horace Sistare, who had intermarried with Lucy, one of the daughters of said Julia. These defendants know of no family stores or other chattels on the premises when they went to live thereon, except some plate and furniture, of which care was taken, and which were left when these defendants removed therefrom, excepting a few articles worth about fifty dollars taken by these defendants, and subsequently returned to the said Julia Scarbrough.

13th. These defendants resided on the premises from November, eighteen hundred and thirty, to April, eighteen hundred and thirty-one. About April or May, eighteen hundred and thirty-five, these defendants, at the request of William and Julia Scarbrough, again went to reside on said premises, and continued there until June last; and the terms on which they resided there, will be found by reference to a letter from William Scarbrough, dated Savannah, 20th April, 1835, a copy of which is hereto annexed marked exhibit "E," and which these defendants pray may be taken as part of this their answer. This defendant, Godfrey Barnsley, however, objected to do more than to advance the sums required for the education of the two sons of said William and Julia Scarbrough, as will more fully appear by reference to exhibit "F," of complainant's bill. That during the period of their residence on the premises, this defendant, Godfrey Barnsley, defrayed all the expenses of housekeeping, with exception of a few months in the year 1831, when they were divided between him (this defendant,) and the said Horace Sistare; and with the further exception of fifty dollars received by the defendant's wife Julia, his co-defendant in this answer, in the summer of 1837, from her father, the said William Scarbrough. These defendants also received personal assurances from the said William and Julia Scarbrough, that they might consider said premises as a home, and the defendant, Godfrey Barnsly, believing they, the said William and Julia Scarbrough, had a right to make such assurances, and the premises being in a great state of dilapidation, was induced to expend large sums of money in repairs and improvements, an account of which, amounting to the sum of ten thousand four hundred and ninety-nine dollars and fifty-eight cents, is hereto annexed, marked "exhibit F," which these defendants pray may be taken as part of this their answer. Besides which investments, this defendant, Godfrey Barnsley, has also paid the State, county, and city taxes on said property, during nearly the whole period he resided thereon. He also had a negro man employed, at intervals, for several years, in painting, glazing, cementing, and doing other work on the premises, and paid various other sums of money not charged in said last mentioned account, amounting in the aggregate, as he believes, to the sum of two thousand dollars. These defendants never were aware that the said deed was without consideration, nor have they ever heard so; about two years since these defendants heard, for the first time, that complainant intend-

ed to contest the validity of said deed, on the ground that she was under age at the time of its execution, but they now believe she has papers belonging to the family in her possession, or under her control, which, if produced, would prove she was of age at the time; and these defendants were under the impression that she had abandoned all idea of contesting the validity of said deed, because, in the month of April last, she came upon the premises as their guest, and on no occasion alluded to any such intention.

14th. That "exhibit F" is an original letter of this defendant, Godfrey Barnsley, to the said William Scarbrough.

15th. Do not know if "exhibit E" is an original or true inventory or not.

16th. Do not know of any other personal property belonging to the premises.

And these defendants further answering, say, that they understood, and so charge, that no deed of marriage settlement was ever executed between the complainant and her husband, the said James Taylor; and her said husband has been recently declared a bankrupt, and any interest which the said Charlotte may have in the said property, or any claim against these defendants, belongs to the said James Taylor or his assignee in bankruptcy. And these defendants for further answer say and aver, that the premises, mentioned in complainant's bill, were secured to the said Julia Scarbrough and her children, by deed of marriage settlement, duly executed by and between the said William Scarbrough and Julia, his wife. And these defendants are advised, and so they aver, that said deed was and is valid as between the parties to the same, and therefore the said William Scarbrough had no right, power, or authority to convey the same to the said Robert Isaac, and therefore the said Robert Isaac could have conveyed no legal interest in the same, to the said complainant, by will or otherwise. And these defendants aver, and expect to prove, that the said Robert Isaac always held the said premises subject and accountable to the marriage settlement of the said William Scarbrough, on his said wife Julia. And these defendants have always heard it in the family, and so believe, that the complainant executed said deed of trust, referred to in her bill, freely and voluntarily, and with a view to carry out the wishes and intentions of the said Robert Isaac, her uncle, which otherwise would have been defeated; and that the execution of said trust was at the time a source of pride and pleasure on her part; but these defendants most solemnly deny any harsh or unkind treatment, or any importunity on the part of said William Scarbrough and his family, as detailed in complainant's bill.

These defendants aver that the repairs made by the defendant, Godfrey Barnsley, and the investments made by him for the improvement of the said premises, and the advances made by him to the said Julia Scarbrough, were known, at the time they were being made, to complainant, who was in almost constant communication with some one or more members of the family at the time.

These defendants further answering, deny that the said premises on West Broad street were purchased by the said Robert Isaac at marshal's sale, as charged in complainant's bill, or that complainant ever has, or ever had, any right, title, or claim to the wines or other liquors in said house, none of which have been used or sold by these defendants, except by the authority of the said William Scarbrough, to whom they belonged.

And these defendants most explicitly deny they ever knew or heard, (until about two years since,) that complainant had any claim upon said property other than her interest under the deed of trust from herself to the said William Taylor; that they then heard for the first time of her intention to endeavor to set aside said deed on the pretence of infancy, which intention they supposed abandoned, until they were served with a subpœna ad respondendum in this case.

And these defendants deny all unlawful combination in complainant's said bill of complaint charged.

All which matters and things these defendants are ready to aver, maintain, and prove, as this honorable court may direct. And humbly pray to be hence dismissed, with their reasonable costs and charges in that behalf most wrongfully sustained.

McALLISTER & COHEN,
Solicitors for def'ts.

UNITED STATES OF AMERICA,
6th circuit court, district Georgia:

You, Godfrey Barnsly, do solemnly swear, that what is contained in this your answer, as far as concerns your own acts and deeds, are true of your own knowledge, and that what relates to the acts and deeds of any other person or persons, you believe to be true, so help you God.

GODFREY BARNSLEY.

Sworn to before me, this 19th day of February, A. D. 1844.

JOS. BANCROFT,
Commissioner dist. Georgia.

UNITED STATES OF AMERICA,
6th circuit court, district Georgia:

You, Julia H. Barnsley, do solemnly swear, that which is contained in this your answer, as far as concerns your own acts and deeds, are true of your own knowledge, and that what relates to the acts and deeds of any other person or persons, you believe to be true, so help you God.

JULIA H. BARNSLEY.

Sworn and subscribed before me, this 12th Feb'y, 1844.

AUGUSTUS R. WRIGHT,
Judge of the superior courts of the Cherokee circuit, Georgia.

Exhibit A, to answer of Barnsley and wife.—Exhibit A.

Extract from a letter from Robert Mackay, esq., dated Savannah, 24th December, 1806, to Mrs. Eliza Mackay, at Liverpool, England.

"But Miss Charlotte Scarbrough bears all before her in point of *beau-*

482.

ty and accomplishments; she really is a pretty little thing, very small, and very long curly hair, which grows so fast, it has been already twice cut."

Exhibit B.—Exhibit B.

William Scarbrough to William Taylor and others.

STATE OF NORTH CAROLINA,
Town of Wilmington:

I, William Scarbrough, the younger, of the city of Savannah, in the State of Georgia, being about to enter into the bonds of matrimony with Julia Bernard, of the town and State first aforesaid mentioned, and being at this time clear of debt and incumbrances, in order to secure the said Julia, and any future issue of the present intended marriage, maintenance and support clear of the vicissitudes and uncertainties incidental to commerce or otherwise, do for the aforesaid purpose, and in consideration of the sum of one dollar to me in hand paid, the receipt whereof I do hereby acknowledge by these presents, settle upon, transfer, assign over, and convey to the said Julia, for use and behoof, and that of the issues of the present intended marriage as aforesaid, the right, title, property, and possession of, in, and to the following lot or adjoining lots of land, containing in breadth ninety feet, and in depth two hundred and twenty-eight feet, more or less, situated, lying, and being on the west side of West Broad street, in the village of Saint Gall, part of the city of Savannah, in the State of Georgia aforesaid, and known by the numbers thirteen and fourteen, and which were formerly the property of John Sh'ck, deceased, together with all the house, tenements, hereditaments, and improvements thereon; to have and to hold the aforesaid premises unto the said Julia during her natural life, and at her decease, if the same be subsequent to that of the aforesaid William, unto the surviving issue of the present marriage, to be equally divided there among; and after the decease of the said Julia aforesaid, if no issue there shall be of the present marriage, then unto the nearest of kin or legal heir of the aforesaid William. And I, the aforesaid William, do covenant and agree, to and with the said Julia, that she shall hold and enjoy, in her own right and name, the aforesaid premises, or any other property, whether real or personal, of which she is now possessed; and that she shall be free and at liberty, at all times after her marriage with me, to receive and hold in her own right or name, or that of trustees appointed for the purpose, whether by inheritance, deed of gift, or otherwise, any property, whether real or personal, without let, hindrance, or molestation, on the part of me, the said William, or by virtue, or by right of any one claiming under or from me, or for any debts, dues, or demands against me; and furthermore, that she, the said Julia, shall at all times hereafter be free and at liberty to dispose of, transfer, and convey away part or the whole of the property which may come into her possession hereafter by virtue of the inheritance, deed of gift, or otherwise, as aforesaid, as she, the said Julia, may or shall deem expedient;

and in order that the aforesaid transfer, covenant, and agreement be of full force and virtue, according to the true intent and meaning hereof, the following persons, viz: Wm. Taylor and Robert Mackay, of the city of Savannah, and Thomas Scarbrough, of Burke county, all of the State of Georgia aforesaid, are hereby mutually and reciprocally agreed upon and nominated trustees, to see that the same is and shall be carried into full execution and effect on the part of and behoof of the said Julia, and the same are hereby invested with all the powers and rights of trustees under marriage settlement, to do at present and hereafter whatsoever in the premises may be lawful and just. The intent and meaning of the aforesaid premises being obvious and clear, viz., to secure and provide for the support and maintenance of the aforesaid Julia, and the issue of the present intended marriage, and to reserve to her and the issue aforesaid any property, whether real or personal, that now is, or hereafter may come, into the possession of the aforesaid Julia. Should there be any lack or deficiency of the form or expression that may tend to invalidate these presents, or should any further deed or instrument of writing be requisite to carry the same into their intended effect, I, the aforesaid William, do hereby covenant, agree, and promise to perform or execute any other act or deed that may be necessary, or shall be required.

In witness whereof, I, the said William, hereunto set my hand and seal, this eighteenth day of April, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States of America the twenty-ninth. And in confirmation of the preceding premises, I, the said Julia, have at the same time set my hand and seal.

WILLIAM SCARBROUGH, Jr. [SEAL.]
JULIA BERNARD. [SEAL.]

Signed, sealed, and delivered in the presence of us, previous to the solemnization of the marriage ceremony—

J. BERNARD,
JOHN BRADLEY.

Proved June term, 1805. Registered July 2nd, 1805.
By JOHN BRADLEY.

STATE OF NORTH CAROLINA,
County of New Hanover:

I, Talcott Burr, jr., register of the county aforesaid, do hereby certify, that the aforegoing is a true and perfect transcript from book M, page 563, one of the original books of record belonging to my office.

In witness whereof, I have hereunto set my hand, there being no seal pertaining to my office, this 28th Oct., A. D. 1843.

TALCOTT BURR, Jr., *Register.*

"Exhibit C"—*Exhibit C to answer of B. and Wife.*

William Scarbrough, esq., in account current with Godfrey Barnsley, cash, 1st June, 1835.

1833									
Dec'r	31	To balance repairs, &c , to house			209	77			
	31	" " as per account rendered			373	27	1833 Dec. 31	1/151	31 75
1834							1834		
Jan.	10	" paid Dr. Wilkins on your account			3	50	Jan'y 10	1/141	29
March	6	" " Dr. Richardson and J. F. Parisot			16	00	March 6	1/86	1 18
	13	" " your State and county taxes			9	77	13	1/81	72
April	9	" " for a chaldron coal			7	00	April 9	1/32	47
May	5	" " your city taxes			32	56	May 5	1/26	2 08
June	27	" " Thomas G. Miller for sundries			25	11	June 27	338	1 40
July	16	" " sundry expenses on your account			129	34	July 16	319	6 85
1835							1835		
Jan'y	6	" " Thomas G. Miller and S. Rogers			66	65	Jan'y 6	145	1 59
	28	" " J. McLellan & Co. for Joseph Scarbrough			260	07	March 13	79	3 42
Feb'y	20	" " D. R. Rolfe for clothing for W. S.			11	83	Feb'y 20	100	20
March	30	" " house expenses from 20 July last			265	66	March 30	62	2 95
	30	" " J. A. Boulard's bill of sundries			20	50			
April	28	" " your city taxes for 1835			30	56	April 28	33	15
	28	" " Wm. Scarbrough's passage per Isabella			40	00			
May	9	" " passage of negroes from Darien			12	00			
	22	" " sundry bills, &c., on your account			28	68			
	22	" balance of interest			27	99			
					1570	26			53 05

4 83. 57

"Exhibit C"—Continued.

1834		Cr.			1834							
March	4	By cash from N. Wallace - -	133	10	March	4	1/8	9	93			
	11	By draft on Heriot & Co., 412 97, less 2 06 collecting - - -	410	91	Nov'r	14	199	13	63			
	14	By P. R. Yonge & Son's check on Darien bank - - - -	78	24	March	14	78	1	50			
	14	By 3 demijohns of brandy from H. Sistare - - - - -	36	00								
May	22	By 3 years' hire of negro woman Fatima	150	00								
	22	By balance carried down - -	762	01								
		Balance interest -	–		–		–	27	99	1570	26	53 05
1835												
May	22	To balance brought down, cash 1st June	–		–		–	–		762	01	

Savannah, 22d May, 1835. E. E. GODFREY BARNSLEY.

"EXHIBIT D."—Exhibit D.

Mrs. Julia Scarbrough in account current (interest 6 per cent. per annum to 15th June, 1841) with Godfrey Barnsley.

1835.				1835.			
May 26	To balance as per account rendered to Mr. William Scarbrough		$762 01	June 1	6/14	$276 07
June 15	To sundry amounts paid on your account		54 61	15	6	19 65
Nov. 2	To amount paid in Liverpool for sundries as per rendered, $18 46, and ditto in ditto for Jos. Scarbrough, $52 86		71 32	Nov. 2	5/225	24 03
9	To cash loaned W. Scarbrough to pay Mrs. James Taylor's claim on negroes		300 00	9	5/218	100 75
23	To paid for clothes for Edmund and Washington, $24 24 30th ditto for Edmund, 9 87 $34 11		36 86	25	5/202	12 27
30	To paid shoes and truss for Washington	2 75				
1836.				1836.			
Jan. 30	To paid Dr. Wilkins for attendance on negroes		14 00	Jan. 30	5/136	4 51
May 5	To paid by G. Barnsley & Son, in Liverpool, account Joseph S.		118 10	May 5	5/41	36 47
June 28	To paid passage of W. Scarbrough to New York, $33 00 29th, ditto, of yourself and servant 45 00 $78 00		97 93	June 29	4/351	29 12
28	To paid Mrs. Sawyer's bill for dresses, and $14 31 W. Hale, for clothes for Edmund 5 62 19 93					
Oct. 25	To paid Joseph and William Scarbrough's school bills in Greenock		661 03	Oct. 25	4/233	
25	To paid L. Brusse in New York, to compromise claim		514 95	25	4/233	
25	To paid H. Gore, Liverpool, for clothes for Joseph S., $1315 77		53 04	25	4/233	366 15
25	To paid Mr. and Mrs. Scarbrough and servant's passage from New York		75 00	25	4/233	
25	To paid H. Close & Co., for negro clothes and shoes		11 75	25	4/233	
Nov. 3	To paid loaned to William Scarbrough yesterday		100 00	Nov. 2	4/235	27 70
Dec. 10	To paid Washington's board and H. Close & Co. for negro clothes		41 00	Dec. 10	4/157	11 10
30	To paid clothes for Edmund		13 25	30	4/167	3 54

"EXHIBIT D"—Continued.

1836.					
Dec. 30	To balance due from William Scarbrough, as per his account with Mrs. Barnsley, of 27th August	$130 30	1836. Aug. 27	2 4/92	$37 52
1837.					
Jan. 26	To paid for badge for Hannah, $2 07, 30th, Washington, board and clothing, $37	39 07	1837. Jan. 30	136 4/6	10 23
March 3	To paid Dr. Burroughs, for attendance on Washington last summer	7 00	March 3	164 4/4	1 80
17	To paid Dr. Daniells, William and Julia Scarbrough's notes of 1st January, 1832	623 70	17	4/96	158 90
April 3	To paid by G. Barnsley & Son, board and expenses of Joseph S.	222 00	1836. Dec. 31	166 4/6	59 34
			1837.		
4	To paid by G. Barnsley & Son, account of Joseph S.	48 15	Feb. 24	111 4/11	12 42
6	To paid Sands, Turner, Fox & Co., to Mrs. Taylor on your account	22 85	April 6	70 4/70	5 74
March 27	To Washington's board to date	37 00	May 27	19 4/19	8 99
Nov. 1	To paid by G. Barnsley & Son, on account of Joseph S.	73 57	June 3	12 4/12	17 79
30	To paid Washington's board to 1st instant	44 00	Nov. 30	197 3/97	9 34
1838.			1838.		
Jan. 31	To paid Dr. Wilkins, for attendance on negroes	19 50	Jan. 31	135 3/35	3 94
Feb. 9	To paid N. Aldrich & Co., for shoes for negroes	10 07	Feb. 9	126 3/26	2 00
March 31	To paid by G. Barnsley & Son, board of Joseph S.	22 60	Jan. 1	165 3/65	} 14 71
Nov. 19	To paid by myself, for clothes for ditto, to H. Gore, $33 24 and $15 26	48 50	1	165 3/65	
1839.			1839.		
June 1	To paid Dr. Arnold, for a truss for Washington in 1837, (settled by H. Sistare on my account)	20 00	June 1	14 2/14	2 44
Nov. 27	To paid justices, constables, &c., in case of trespass of June and Tonney	11 35	Nov. 27	200 1/200	1 05

						1838.		
Dec. 7	To paid Joseph Scarbrough's passage in Alex. Grant from Liverpool -		66 67			Feb. 1	1 3/4	13 47
1840.						1839.		
Dec. 18	To A. Robertson by G. Barnsley & Son, for W. Scarbrough's schooling		312 12			Aug. 3	3 1/16	34 93
1841.						1841.		
Jan. 31	To paid Dr. Griffin, for attendance on W. S. - - -		4 50			Jan. 31	135	10
June 15	To paid for badge and fine of Dolly, $4 56, and for sexton for intering Mary's child, 50 cents - - - - - - -		5 06					
15	To balance of interest - - - - - - -		817 46					
			5510 32					1306 07

Cr.

1836.				1836.				
May 25	By cash from William Scarbrough -	$20 00		May 25	5/21	$6 07		
31	By cash from William Scarbrough -	211 50		31	5/15	63 97		
June 24	By cash received from William Duncan & Co., for hire of negroes -	129 47		June 24	4/356	38 61		
Nov. 3	By cash, negro hire, Washington, $50, woman, $18 - -	68 00		Nov. 3	4/224	18 82		
Dec. 10	By cash from Mrs. Newton on account of Washington's wages - -	106 00		Dec. 10	4/187	28 70		
30	By cash from Mr. Scarbrough -	561 21		30	4/167	150 08		
1837.				1837.				
Feb. 8	By cash from William Duncan, for Edmund's wages - -	142 50		Feb. 8	4/127	37 17		
14	By cash from H. Sistare account Washington's wages - -	100 00		14	4/121	26 00		

"EXHIBIT D"—Continued.

1837.								
May 20	By cash from William Duncan, for Edmund's wages to 1st instant -	35 00	1837. May 20	$\frac{4}{26}$	8 55			
		1373 68			377 97			
	Amount brought forward -	1373 68	–	–	377 97	5510 32	1306 07	
Dec. 12	By cash from W. Scarbrough, out of hire of Washington and Edmund -	50 00	Dec. 12	$\frac{3}{185}$	10 52			
30	By cash from H. Sistare, hire of Virgil	8 00	30	$\frac{3}{167}$	1 66			
1839.			1839.					
April 23	By cash for $12\frac{9}{12}$ dozen wine, at $60 per dozen - - -	765 00	April 23	$\frac{2}{53}$	98 46			
	Balance of interest - -	–	–	–	817 46			
June 15	By balance carried down - -	3313 64						
		5510 32	–	–	1306 07	5510 32	1306 07	
1841.								
June 15	To balance brought down in cash this date - - - -	–	–	–	–	3313 64		

E. E.

Savannah, 15th June, 1841.

Taxes on Mrs. Scarbrough's property paid by G. B., and not charged:

1836. Jan'y 28. City taxes for 1836 - - - $42 44

	1837. Feb'y 28. State and county - - -	13 48								
	May 9. City -	43 68								
	1838. March 31. State and county for 1837 - -	15 63								
	1839. April 26. City -	41 37								
	1840. June 30. City -	44 35								
	June 30. State and county for 1839 - -	18 77								
	1841. April 29. City -	66 52								
		286 24								
	1842. May 13. City taxes for 1842 - -	50 40								
	June 24. State and county taxes - -	36 33								
	1843. April 29. City taxes for 1843 - -	64 50								
		437 47								
1842. June 10	By 4 months wages of negro George last summer - - -		–	–	–	–	37 00			
	To balance due G. Barnsley.—Interest not calculated from 15th June, 1841 - - - -		–	–	–	–	3276 64			

E. E.

GODFREY BARNSLEY.

48 C. 63

Exhibit E.—Exhibit "E."

SAVANNAH, *20th April*, 1835.

MY DEAR SIR:—I have learnt with much satisfaction from Mrs. S., of your willingness again to take up your quarters at the Castle, as we call it. It is now, and for some time has been, in a state of great dilapidation, which of course in any climate, let alone in this, would every day become greater, unless by some prevention, the means for which are not at our command. Besides this, as you have already been at considerable expense with the house, and meeting Mrs. S's household and other expenses, in addition to the advances you have had to make for the boys' education, I can only say to you in behalf of them and Mrs. S., that if you will remove to the house, and continue the repairs and other improvements, with the board and lodging of Mrs. S. in the house as heretofore, as well as the schooling and expenses of the boys as at present, I offer you in their behalf, as your indemnity for the same, the rent of the house, premises, &c., for a term of five years, from the first of next month, (May,) which I hope will meet your reasonable expectations; and your acceptance of the terms, noted on this letter, will be considered binding and obligatory on them and me.

Yours, truly,

(Signed,) WM. SCARBROUGH.

MR. G. BARNSLEY.

"*Exhibit "F.*"—Exhibit F.

Statement of sums expended by Godfrey Barnsley in repairs and improvements on Mrs. Scarbrough's house.

1836.			
January	6	To cost of iron railing, stone, &c., with duty and expenses thereon	$962 66
June	25	To paid A. Scudder, G. Huntington, and W. Williamson for sundries	77 80
	29	To sundry bills paid, as per vouchers filed	635 20
November	3	To paid A. A. Smets for boards	76 70
1837.			
January	14	To cost and expenses on slate imported from Liverpool	80 43
	26	To drayage of iron, columns, &c	9 38
	31	To paid sundries for wood, &c	41 93
February	1	To cost of 150 yards (square) flagstones	221 89
	1	To freight of iron columns, curbstones, cement, &c., from Liverpool	72 44
March	3	To paid sundries for erecting iron piazza, &c	151 04
April	3	To duty on castings per Phœba	123
	3	To paid in Liverpool for castings, cement, curbstones, paint, &c	1,318 47
	3	To paid H. Porley & Sons, for iron work	112 56
	3	To paid W. Graves, for blacksmith work	44 18
	3	To freight of iron work, per Phœba	26 11
May	1	To paid Jno. Robertson for blacksmith work, &c	65 40
	25	To " for glazing and iron	85 75
	27	To " J. R. Thompson, carpenter, for materials and labor	2,032 10
	27	To " A. Scudder, bricklayer.....do.....do	2,523 45
	27	To " N. Wallace, for sundries as per bill	9 33
	29	To " Joseph Ribero, for materials and labor	626 50

November	1	To cost of iron pillars, &c., in Liverpool	146 66
	30	To paid J. R. Thompson, A. Scudder's, and other bills	341 41
December	30	To " sundry bills	7 20
1838.			
January	31	To " George Betts, for glazing windows	7 13
	31	To " A. Scudder, for bricks, lime, &c.	53 48
February	28	To " W. F. Clark, for laths	1 63
March	31	To " J. R. Thompson, carpenter, and Claghorn & Wood, for paint	110 84
	31	To cost of 5 barrels of cement	24 68
	31	To paid general average, &c., on castings, per Brig King	22 94
June	30	To " for paint, boards, &c.	22 27
July	9	To " A. Scudder, for bricks	1 50
		Amount carried forward	$10,036 06
1838.			
		To amount brought forward	$10,036 06
November	12	To cost of, and freight on, 5 barrels cement $27 87	
		20th do. of castings per admittance 6 84	34 71
	30	To paid for lathes, lumber, &c. 6 52	
		Dec. 10, do. W. P Clark, for lathes and hair 3 38	9 90
December	21	To paid W. P. Clark, for plaster paris, &c. 12 81	
		31st, paid for labor, lumber, &c. 42 88	55 69
1839.			
January	31	To paid labor, lime, &c., 41 55. Feb'y 28, Halsey & Harding, for lumber, 10 50	52 05
March	30	To paid for pump fixtures and lumber	54 45
April	30	To " Jos. Hunter, for lime and drayage 4 13	
		May 31, bricks at auction and drayage. 43 50	47 63
May	31	To paid for hanging bells, 10. June 29, Henderson, for lime and drayage, 9 38	19 38
July	1	To paid sundries for lime, glass, and paint	77 88
November	12	To " for paint oil, 31 28, and paint brushes, $2 83	34 11
1840.			
December	3	To " for labor, cementing, repairing roof, &c.	27 75
	8	To " D. Minis, for bricks, $14. 18th, cost of 18 barrels cement, $95 39	109 39
1841.			
January	1	To " A. Scudder and J. R. Thompson, for work	26 58
1836.			$10,585 58
June	25	By received from W. Duncan & George Anderson, for flagstones	86
			$10,499 58

In addition to the above, many sums have been paid which have been charged in my current expenses.

Savannah, 15th June, 1841.

GODFREY BARNSLEY.

Filed February 23rd, 1844.

G. GLEN, *Clerk.*

UNITED STATES,
Sixth circuit court for the district of Georgia:

CHARLOTTE TAYLOR, by her next friend, James M. Walker,
vs.
JAMES TAYLOR, Julia Scarbrough, et als. } In equity.

Exceptions taken by the above named complainant to the joint answer put in by the defendants, Godfrey Barnsley and Julia, his wife, to the bill of complaint of Charlotte Taylor, for impertinence.

Exceptions to answer of B. and wife.

1st exception. For that the said answer is impertinent in, and including, exhibit "C."

2d exception. For that the said answer is impertinent in, and including, exhibit "D."

3d exception. For that the said answer is impertinent in, and including exhibit "F."

In all which particulars this exceptant excepts to the said answer, put in by the said defendants, Godfrey Barnsley and Julia, his wife, to the said bill of complaint, as impertinent, and she humbly insists that the same ought to be expunged from the said answer.

JACKSON & HARDEN,
Complainant's solicitors.

Filed February 29, 1844.

G. GLEN, *Clerk.*

We consent that the within exceptions be argued at the hearing of the bill, &c.

McALLISTER & COHEN,
Sol. for G. & J. Barnsley.

February 29, 1844.

UNITED STATES,
Sixth circuit court for the district of Georgia:

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant,
vs.
JAMES TAYLOR, Julia Scarbrough, Godfrey Barnsley and Julia, his wife, Joseph Scarbrough, Robert M. Goodwin, Norman Wallace, and Andrew T. Miller, defendants. } In equity.

Petition to amend bill.

To the honorable the judges of the sixth circuit court aforesaid.

The petition of the complainant sheweth: That your petitioner some time since filed her bill in this court against the said defendants, all of

whom have appeared and put in their answer thereto, except Julia Scarbrough and Joseph Scarbrough, against whom the bill has been taken as confessed. That since the coming in of the answer of Godfrey Barnsley and Julia, his wife, your petitioner is advised that it is necessary to amend her said bill by inserting, between the seventeenth and eighteenth lines from the top of the second page of said bill, after words "all which," the words *personal property*, so as to make the statement of complainant's title easily intelligible.

Your petitioner further showeth, that she is advised further to amend her said bill by inserting after the word "knew," in the twenty-first line from the top of the eighth page of said bill, the words *and that the said deed is further fraudulent, because at the time of its execution the said William Taylor and William Scarbrough were, with the defendant, Norman Wallace, qualified and acting executors of said Robert Isaac's said will.*

That your petitioner has not yet replied to the said answers; and that she does not require any further answer from the defendants who have answered.

Your petitioner therefore prays that she may be at liberty to amend her said bill on or before the next succeeding rule day, as she hath been above advised, without costs, and upon such terms as your honors may direct. And your petitioner shall ever pray, &c.

JACKSON & HARDEN,
Solicitors for petitioner.

SAVANNAH, 28*th February*, 1844.

Order to amend bill.

On reading the foregoing petition of Charlotte Taylor, by her next friend, complainant, for leave to amend her bill filed against James Taylor, Julia Scarbrough, Godfrey Barnsley and Julia, his wife, Joseph Scarbrough, Robert M. Goodwin, Norman Wallace, and Andrew T. Miller, defendants, it is ordered that leave to amend be granted as prayed for, and that a copy of each of said amendments be served on the defendants severally.

JNO. C. NICOLL, *Dist. judge.*

SAVANNAH, 28*th February*, 1844.

Filed 29th February, 1844.

CHARLTON & WARD,
Sols. for R. M. Goodwin, trustee, James Taylor, Julia Scarbrough.

We consent to the within amendments being made instanter, and without costs, and waive service of amendments.

28th February, 1844.

McALLISTER & COHEN,
Sol'rs for Barnsley and wife, and ex'ors of Taylor.

U. S. sixth circuit court, district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, vs. JAMES TAYLOR, Julia Scarbrough, et als., defendants. } In equity.

Notice of amendment to bill.

To JOSEPH SCARBROUGH: You will please take notice that we have this day, by order of a judge of the court aforesaid, amended the bill of complainant by inserting between the seventeenth and eighteenth lines from the top of the second page of said original bill, after the words "all which," the words personal property.

And also by inserting after the word "knew" in the twenty-first line from the top of eighth page of said bill, the words, *and that the said deed is further fraudulent, because at the time of its execution the said William Taylor and William Scarbrough were, with the defendant, Norman Wallace, qualified and acting executors of said Robert Isaac's said will.*

Yours, &c., &c.

JACKSON & HARDEN,
Complainant's Solicitors.

Savannah, 28th February, 1844.

Filed 29th February, 1844.

G. GLEN, *Clerk.*

Return of service of amendment.

MARSHAL'S OFFICE, *Savannah, February 28th*, 1844.

I have this day served a copy of the within notice, &c., personally, on Joseph Scarbrough.

JOS. BANCROFT,
U. S. Deputy Marshal, Dist. Georgia.

Sixth circuit court of the United States for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, vs. JAMES TAYLOR, Julia Scarbrough, et als., defendants. } In equity.

General replication.

The replication of Charlotte Taylor, by her next friend, James M. Walker, complainant, to the answers of Godfrey Barnsley and Julia Barnsley, his wife, Robert M. Goodwin, Norman Wallace, and Andrew T. Miller, defendants.

This repliant, saving and reserving unto herself all and all manner of advantage of exception to the manifold insufficiencies of the said an-

swer, for replication thereunto saith, that she will aver and prove her said bill to be true, certain, and sufficient in the law to be answered unto; and that the said answers of the said defendants are uncertain, untrue, and insufficient to be replied unto by this repliant; without this, that any other matter or thing whatsoever in the said answers contained, material or effectual in the law to be replied unto, confessed and avoided, traversed or denied, is true.

All which matters and things this repliant is, and will be, ready to aver and prove, as this honorable court shall direct, and humbly prays as in and by her said bill she hath already prayed.

JACKSON & HARDEN,
Complainant's Solicitors.

Filed 29th February, 1844.

G. GLEN, *Clerk.*

In the sixth circuit court of the United States for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend,
vs.
GODFREY BARNSLEY et al. } In equity.

Agreement to argue in vacation.

It is agreed by and between the parties in the above entitled cause, by their solicitors, that the said cause be argued at Savannah, on the fifteenth day of November instant, either in vacation, or at an adjourned session of said court, as the judges thereof may determine. And it is further agreed between the said parties, that the said cause may be continued, if either complainant or defendants shall, (after using reasonable diligence,) be unprepared for trial. And it is further agreed, that the above be entered as the order of the court, if the judges consent to the same.

McALLISTER & COHEN,
Defendants' Solicitors.
JACKSON & HARDEN,
Complainant's Solicitors.

5th November, 1844.

In the sixth circuit court of the United States for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend,
James M. Walker, complainant,
vs.
JAMES TAYLOR et al., defendants. } In equity.

Petition to make Wm. Scarbrough a party defendant.

To the honorable the judges of said court:

The petition of the complainant sheweth, that your petitioner filed her bill in this court against the said James Taylor and Julia Scarbrough, Godfrey Barnsley and wife, Joseph Scarbrough, Norman Wallace, Andrew T. Miller, and Robert M. Goodwin, who all appeared thereto, and put in their answers to the same, except Julia Scarbrough and Jo-

seph Scarbrough, against whom the said bill has been taken as confessed. For as much as your petitioner is advised to amend her bill by adding the name of William Scarbrough, a minor, in said bill mentioned, as defendant thereto, but does not require any further answer from the defendants, who have already answered; nor does your petitioner expect to insert any new charges or other matter in the said bill.

Your petitioner therefore prays, that she may be at liberty to amend her said bill without costs, by making the said William Scarbrough a defendant thereto, inserting his name wherever the same ought to occur, and praying process of subpœna, &c., as your petitioner shall be advised.

And your petitioner shall ever pray, &c.

JACKSON & HARDEN,
Petitioner's Solicitors.

13*th May*, 1845.

Filed May 16th, 1845.

G. GLEN, *Clerk.*

In the United States sixth circuit court for the district of Georgia. May term, 1845.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, and JAMES TAYLOR et al., defendants. } In equity.

Order to make Wm. Scarbrough a party.

On reading the petition of the complainant for leave to amend her bill by making William Scarbrough, a minor, defendant thereto, which said William Scarbrough is the same alleged in her said bill to have been at the time of filing the same without the jurisdiction of the court. On motion of solicitors for the complainant, it is ordered that the complainant have leave to amend her said bill accordingly, inserting the name of the said William Scarbrough wherever in the said bill it should be inserted, and praying process against him as against the other defendants, and making him a party defendant thereto.

16*th May*, 1845.

G. GLEN, *Clerk.*

Sixth circuit court of the United States for the district of Georgia.

BETWEEN CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, and JAMES TAYLOR, Julia Scarbrough, and others, defendants. } In equity.

Notice of amendment to bill.

To Messrs. MCALLISTER & COHEN, and CHARLTON & WARD, *Solicitors.*

GENTLEMEN: In conformity with an order of the honorable the sixth

490.

circuit court of the United States, for the district of Georgia, at May term now last past, we have amended the bill in the foregoing recited case, in the following particulars:

1st. We have on the first page of the bill, on the margin, on the left hand side of the title thereof, written, by way of insertion, the name of William Scarbrough, so as to make him a party defendant thereto.

2d. On the margin of the same page, we have, by way of insertion, written the words, "and William Scarbrough of Savannah, and a citizen of the State of Georgia.

3d. On the margin of the twelfth page of the bill, we have written as follows: "The words, 'resides out of the jurisdiction of this honorable court, and' to be considered as stricken out, and the words 'also a defendant,' to be considered as inserted."

4th. On the margin of the nineteenth page, we have written, by way of insertion, the name of "William Scarbrough," making him a defendant, against whom a subpœna is prayed.

5th. And in the note at foot of the bill, we have required of William Scarbrough, as follows:

"The defendant, William Scarbrough, is required to answer the interrogatories, numbered respectively 6, 7, 12, 13, 15, 16, and 17." Of which you will please take notice.

Respectfully,
JACKSON & HARDEN,
Complainant's Solicitors.

Savannah, May 22d, 1845.

Service acknowledged, this 22d May, 1845.
McALLISTER & COHEN,
Attorney for estate W. Taylor and G. Barnsley.
CHARLTON & WARD,
Solicitors for R. M. G.

Filed May 23d, 1845.
G. GLEN, *Clerk.*

UNITED STATES OF AMERICA, *district of Georgia.*

In the sixth circuit court of the United States, for the district of Georgia.

Commissioner to examine Mrs. Burr and Mrs. Lippett.

[L. S.] To James T. Miller, esq., and Lewis H. Pierce, greeting:
GEO. GLEN, *Cl'k.*

Know ye, that in confidence of your prudence and fidelity, you are hereby appointed, and by these presents are vested (any two or more of you) with full power and authority, diligently to examine all witnesses whatsoever, upon certain interrogatories to be exhibited to you in a certain cause pending and to be tried in the said court, between Charlotte Taylor, by her next friend, James M. Walker, complainants, and Godfrey Barnsley and wife, and others, defendants, as well on the part of the said complainants, as on the part of the said defendants, or of either

seph Scarbrough, against whom the said bill has been taken as confessed. For as much as your petitioner is advised to amend her bill by adding the name of William Scarbrough, a minor, in said bill mentioned, as defendant thereto, but does not require any further answer from the defendants, who have already answered; nor does your petitioner expect to insert any new charges or other matter in the said bill.

Your petitioner therefore prays, that she may be at liberty to amend her said bill without costs, by making the said William Scarbrough a defendant thereto, inserting his name wherever the same ought to occur, and praying process of subpœna, &c., as your petitioner shall be advised.

And your petitioner shall ever pray, &c.

JACKSON & HARDEN,
Petitioner's Solicitors.

13*th May*, 1845.

Filed May 16th, 1845.

G. GLEN, *Clerk.*

In the United States sixth circuit court for the district of Georgia. May term, 1845.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, and JAMES TAYLOR et al., defendants. } In equity.

Order to make Wm. Scarbrough a party.

On reading the petition of the complainant for leave to amend her bill by making William Scarbrough, a minor, defendant thereto, which said William Scarbrough is the same alleged in her said bill to have been at the time of filing the same without the jurisdiction of the court. On motion of solicitors for the complainant, it is ordered that the complainant have leave to amend her said bill accordingly, inserting the name of the said William Scarbrough wherever in the said bill it should be inserted, and praying process against him as against the other defendants, and making him a party defendant thereto.

16*th May*, 1845.

G. GLEN, *Clerk.*

Sixth circuit court of the United States for the district of Georgia.

BETWEEN CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, and JAMES TAYLOR, Julia Scarbrough, and others, defendants. } In equity.

Notice of amendment to bill.

To Messrs. MCALLISTER & COHEN, and CHARLTON & WARD, *Solicitors.*

GENTLEMEN: In conformity with an order of the honorable the sixth

490.

circuit court of the United States, for the district of Georgia, at May term now last past, we have amended the bill in the foregoing recited case, in the following particulars:

1st. We have on the first page of the bill, on the margin, on the left hand side of the title thereof, written, by way of insertion, the name of William Scarbrough, so as to make him a party defendant thereto.

2d. On the margin of the same page, we have, by way of insertion, written the words, "and William Scarbrough of Savannah, and a citizen of the State of Georgia.

3d. On the margin of the twelfth page of the bill, we have written as follows: "The words, 'resides out of the jurisdiction of this honorable court, and' to be considered as stricken out, and the words 'also a defendant,' to be considered as inserted."

4th. On the margin of the nineteenth page, we have written, by way of insertion, the name of "William Scarbrough," making him a defendant, against whom a subpœna is prayed.

5th. And in the note at foot of the bill, we have required of William Scarbrough, as follows:

"The defendant, William Scarbrough, is required to answer the interrogatories, numbered respectively 6, 7, 12, 13, 15, 16, and 17." Of which you will please take notice.

Respectfully,
JACKSON & HARDEN,
Complainant's Solicitors.

Savannah, May 22d, 1845.

Service acknowledged, this 22d May, 1845.
McALLISTER & COHEN,
Attorney for estate W. Taylor and G. Barnsley.
CHARLTON & WARD,
Solicitors for R. M. G.

Filed May 23d, 1845.
G. GLEN, *Clerk.*

UNITED STATES OF AMERICA, *district of Georgia.*

In the sixth circuit court of the United States, for the district of Georgia.

Commissioner to examine Mrs. Burr and Mrs. Lippett.

[L. S.] To James T. Miller, esq., and Lewis H. Pierce, greeting:
GEO. GLEN, *Cl'k.*

Know ye, that in confidence of your prudence and fidelity, you are hereby appointed, and by these presents are vested (any two or more of you) with full power and authority, diligently to examine all witnesses whatsoever, upon certain interrogatories to be exhibited to you in a certain cause pending and to be tried in the said court, between Charlotte Taylor, by her next friend, James M. Walker, complainants, and Godfrey Barnsley and wife, and others, defendants, as well on the part of the said complainants, as on the part of the said defendants, or of either

of them. And it is required of you, or any two or more of you, that, on certain days, and at certain places, by you to be appointed for that purpose, you do cause the said witnesses to come before you, and then and there examine them upon the said interrogatories, on their and each of their corporal oaths, first taken before you, (or any two or more of you,) on the holy evangelists; and that you do take such their examinations, and reduce them into writing; and when you shall have so taken them, you are to send the same to the clerk of the sixth circuit of the United States, for the Georgia district, at Savannah, closed up and under your seals, or the seals of any two of you, distinctly and plainly set, together with the said interrogatories, and this writ; and further, that you, and each of you, before you act in, or be present at, the swearing or examining any witness or witnesses, do severally take the oath first specified in the schedule hereto annexed; and full power is given you or either of you, jointly or severally, to administer such oath to the rest, or any other of you, upon the holy evangelists. And it is further required of you, that all and every of the clerk or clerks employed in taking, writing, transcribing, or engrossing the deposition or depositions of witnesses, to be examined by virtue of these presents, shall, before he or they be permitted to act as clerk or clerks as aforesaid, or be present at such an examination, severally take the oath last specified in the said schedule annexed; and full power and authority is also given you, or any of you, jointly or separately, to administer such oath to such clerk or clerks, upon the holy evangelists.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this eleventh day of March, in the year of our Lord one thousand eight hundred and forty-four, and sixty-eighth year of American independence.

Commissioner's oath.

You shall, according to the best of your skill and knowledge, truly, faithfully, and without partiality to any or either of the parties in this cause, take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of the above commission, upon the interrogatories now produced and left with you; and you shall not publish, disclose, or make known to any person or persons whatsoever, except to the clerk or clerks by you employed, and sworn to secrecy in the execution of this commission, the contents of all or any of the depositions of the witnesses, or any of them, to be taken by you and the other commissioners in the said commission named, or any of them, by virtue of the said commission, until publication shall pass by rule or order of said court. So held you God.

JAS. T. MILLER, *J. P.*
LEWIS H. PIERCE. } *Com'rs.*

The clerk's oath.

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take and write down, transcribe, and engross

49.

the depositions of all and every witness and witnesses produced before and examined by the commissioners, or any of them, named in the commission hereunto annexed, so far forth as you are directed and employed by the said commissioners, or any of them, to take, write down, or engross the said depositions, or any of them. And you shall not publish, disclose, or make known to any person or persons whatsoever, the contents of all or any of the depositions of the witnesses, or any of them, to be taken, wrote down, transcribed, or engrossed by you, or whereto you shall have recourse, or be in anywise privy, until publication shall pass by rule or order of the said court. So help you God.

T. BURR, Jr., *Cl'k.*

Interrogatories to Mrs. Burr, and Mrs. Lippett.

In the sixth circuit court of the United States, for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker,
vs.
GODFREY BARNSLEY and wife, et al. } In chancery.

Interrogatories to be propounded to Mrs. Emily Burr, and Mrs. Lippett, witnesses, residing in Wilmington, in the State of North Carolina, to be produced, sworn, and examined on behalf of defendants.

1st. Do you know the complainant, Charlotte Taylor? And if yea, state how long you have known her.

2nd. Are you, or either of you, related to or connected with the said Charlotte Taylor, and what was her maiden name?

3rd. Do you or either of you know the age of the said Charlotte Taylor? If yea, state how you became acquainted with her age; and state, as particularly as you can, the month and year of her birth.

4th. State all you know, that may benefit the defendants, as fully as if particularly interrogated thereto.

McALLISTER & COHEN,
Defendants' solicitors.

Savannah, Georgia, 7th March, 1844.

Cross interrogatories to Mrs. Emily Burr.

1. If in answer to any of the direct interrogatories you depose to the age of complainant, state particularly whether you speak from personal knowlege or hearsay. Where was she born? If in Savannah, were you there at the time? If you were not in Savannah, where were you?

2. Were you or not in Savannah, in August, 1807? If not, were you there in 1808; and in what month did you come? How old was complainant when you came to Savannah; and how old were you? If your information as to complainant's age is derived from hearsay, tell

how, when, where, and of whom you derived it; if from personal knowledge or observation, when, where, and under what circumstances was it obtained.

3. State fully every thing else you know, or have heard from the family, of benefit to complainant.

To Mrs. Lippett.

1. Do you testify to the age of complainant of your own knowledge, or from hearsay? If from the former, how old were you when she was born? If from the latter, how, when, where, or of whom did you obtain it? What was your own age when Charlotte Scarbrough was born?

2d. Where was your sister, Mrs. Emily Burr, in August, 1806, and August, 1807? When did she come to Savannah to go to school?

3d. State every thing else you know, or have heard from the family, of benefit to complainant.

JACKSON & HARDEN,
Complainant's solicitors.

In the sixth circuit court of the United States, for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker,
vs.
GODFREY BARNSLEY and wife, et al. } In chancery.

Examinations and depositions of witnesses produced, sworn, and examined by the undersigned commissioners, in virtue of the annexed commission, issuing out of the honorable the circuit court of the United States, for the district of Georgia, taken and reduced to writing, in the town of Wilmington, State of North Carolina, on this eighteenth day of March, A. D. 1844. Emily Burr, aged 50 years, being duly sworn, answers and deposes as follows, to wit:

Emily Burr.

To the first interrogatory, "Do you know the complainant, Charlotte Taylor? And if yea, state how long you have known her," the witness answering saith, that she knew Charlotte Scarbrough (now Charlotte Taylor,) when she was an infant; that she knew her during the time of her (witness) residence in the city of Savannah, in the State of Georgia, for the space of two years, or thereabouts, and that she has recently corresponded with her.

To the second interrogatory, "Are you, or either of you, related to or connected with the said Charlotte Taylor, and what was her maiden name?" the witness, Emily Burr, answering saith, that she is aunt to Charlotte Taylor; Julia Scarbrough, (who was the mother of Charlotte Taylor,) and this witness being sisters of the whole blood; that to the best of her knowledge and belief the maiden name of the complainant above stated was Charlotte Scarbrough.

To the third interrogatory, "Do you or either of you know the age of the said Charlotte Taylor? If yea, state how you became acquainted with her age, and state as particularly as you can the month and year of her birth," the witness, Emily Burr, deposeth and saith, that she is acquainted with the age of Charlotte Taylor; she believes she was born early in August, A. D. 1806, and the reason of her belief is, that she, the witness, was in the city of Savannah, in the State of Georgia, the place of Charlotte Scarbrough's birth, at the time she was born, and she verily believes that the date above is the correct date of her birth.

To the fourth interrogatory, "State all you know that may benefit the defendants, as fully as if particularly interrogated thereto," the witness, Emily Burr, deposeth and saith, that her mother, Hannah Bernard, was in the city of Savannah at the time of Charlotte Scarbrough's birth; that she, the witness, resided with her sister, Julia Scarbrough, the mother of Charlotte Scarbrough, at that time, and that returning from school one day the witness was informed by her mother "that she had a little niece." And further the deponent saith not.

EMILY BURR.

Sworn to and subscribed before us, this eighteenth day of March, A. D. 1844.

JAS. T. MILLER, *J. P.*
LEWIS H. PIERCE. } *Com'rs.*

Mary H. Lippitt.

Mary Hostler Lippitt, aged 39 years, being duly sworn, answers and deposes as follows, to wit:

To the first interrogatory, "Do you know the complainant, Charlotte Taylor? If yea, state how long you have known her"—

The witness answering saith, that she does know Charlotte Taylor, and has been acquainted with her since 1817, at which time, in the city of Savannah, their acquaintanceship commenced.

To the second interrogatory, "Are you, or either of you, related to, or connected with the said Charlotte Taylor, and what was her maiden name?"

The witness answering saith, that she is aunt to Charlotte Taylor; Julia Scarbrough, *Julia Scarbrough* (the mother of Charlotte Taylor,) Emily Burr, and this witness, being sisters of the whole blood, and that to the extent of her knowledge the maiden name of the complainant was Charlotte Scarbrough.

To the third interrogatory, "Do you, or either of you, know the age of the said Charlotte Taylor; if yea, state how you became acquainted with her age, and state, as particularly as you can, the month and year of her birth?"

The witness answering saith, that she cannot positively affirm as to the age of the said Charlotte Taylor; she further saith, that she, the witness, was born in February, 1805, and that she recollects that her mother often spoke of the difference between the age of herself and that of Charlotte Taylor as being eighteen months.

To the fourth interrogatory, "State all you know that may benefit the defendants as fully as if particularly interrogated thereto—"

The witness saith, that she is not aware of any further information which might be of benefit to the defendants.

MARY H. LIPPITT.

Sworn to and subscribed before us, this eighteenth day of March, A. D. 1844.

JAS. T. MILLER, *J. P.*
LEWIS H. PIERCE. } *Com'rs.*

Cross interrogatories.—Emily Burr.

To the first cross interrogatory, "If in answer to any of the direct interrogatories you depose to the age of complainant, state particularly whether you speak from personal knowledge or hearsay. Where was she born? If in Savannah, were you there at the time? If you were not in Savannah, where were you?"

The witness, Emily Burr, answering saith, that she speaks from personal knowledge; that she resided in the house where Charlotte Scarbrough was born, and was cognisant at the time of her birth; Charlotte Scarbrough was born in the city of Savannah, the witness was there at the time a school girl.

To the second cross interrogatory, "Were you or not in Savannah in August, 1807? If not where you there in 1808, and in what month did you come? How old was complainant when you came to Savannah, and how old were you? If your information as to complainant's age is derived from hearsay, tell how, when, where, and of whom you derived it; if from personal knowledge or observation, when, where, and under what circumstances was it obtained."

The witness, Emily Burr, answering saith, that she was not in Savannah in August, 1807, nor in 1808; complainant was not born when witness first went to Savannah; the age of witness at that time was somewhere between 12 and thirteen years; the witness further states, that her information is drived from personal knowledge and observation; she was in the same house, in the city of Savannah, which witnessed the birth of Charlotte Taylor, (or Scarbrough,) that she was told by her mother that she had a little niece; that she was some time after the birth of the aforesaid complainant invited by her sister, Julia Scarbrough, into her room to see her little niece, Charlotte; that she has frequently fondled and caressed her, then an infant; and that to the best of her knowledge and belief these circumstances transpired in the year 1806.

To the third cross interrogatory, "State fully every thing else you know, or have heard from the family, of benefit to the complainant"—

The witness saith, that she knows of no information, other than is stated in the preceding pages, which might be beneficial to complainant, save that she has a letter of recent date from Julia Scarbrough, the mother of complainant, in which she states, that the information of this witness is incorrect, touching the date of complainant's birth; that she

was not born in 1806, or rather that "Charlotte was six weeks old in 1807," and that she (witness,) was not in Savannah at the date of Charlotte's birth, but came to Savannah in the fall of 1807; and further this deponent saith not.

EMILY BURR.

Sworn to and subscribed before us, this eighteenth day of March, A. D. 1844.

JAMES T. MILLER, *J. P.*
LEWIS H. PIERCE. } *Com'rs.*

Cross interrogatories.—Mary H. Lippitt.

To the first cross interrogatory, "Do you testify to the age of complainant of your own knowledge, or from hearsay? If from the former, how old were you when she was born? If from the latter, how, when, where, and of whom did you obtain it? What was your own age when Charlotte Scarbrough was born?"

The witness, Mary Hostler Lippitt, answers and says, that she testifies from hearsay; she obtained the information from her mother and sisters; does not recollect when she derived the information; she obtained the knowledge aforesaid in the town of Wilmington, State of North Carolina, from her mother and her sisters, Mrs. Burr, and Mrs. Brown; witness's age at the date of Charlotte Scarbrough's birth was 18 months.

To the second cross interrogatory, "Where was your sister, Mrs. Emily Burr, in August, 1806, and August, 1807? When did she come to Savannah to go to school?" The witness answering, saith, that to the best of her knowledge and belief, her sister, Mrs. Emily Burr, was in Savannah, Geo., in 1806; she does not recollect where she (Mrs. Burr) was in August, 1807; she remembers Mrs. E. Burr telling her that while in Savannah, in 1806, she (Mrs. Burr) went to school.

To the third cross interrogatory, "State every thing else you know, or have heard from the family, of benefit to complainant?" The witness saith that she knows of no further information.

MARY H. LIPPITT.

Sworn to and subscribed before us, this eighteenth day of March, A. D. 1844.

JAS. T. MILLER, *J. P.*
LEWIS H. PIERCE,
Commissioners.

Received, March 22d, 1844, at post office, Savannah.

GEO. GLEN, *Clerk.*

UNITED STATES OF AMERICA, *district of Georgia:*

In the sixth circuit court of the United States for the district of Georgia.

To William H. Peyton, William Provost, William H. Harly, E. Bellinger, jr., and A. P. Aldrich, esquires, greeting:

GEO. GLEN, *Clerk.*

Know ye, that in confidence of your prudence and fidelity, you are hereby appointed, and by these presents are vested (any two or more of you) with full power and authority, diligently to examine all witnesses,

whatsoever, upon certain interrogatories to be exhibited to you, in a certain cause in equity, pending and to be tried in the said court, between Charlotte Taylor, by her next friend, James M. Walker, complainant, and James Taylor, Julia Scarbrough, Godfrey Barnsley and Julia, his wife, Joseph Scarbrough, Robert M. Goodwin, Norman Wallace, Andrew T. Miller, defendants, as well on the part of the said complainant as on the part of the said defendants, or of either of them. And it is required of you, or any two or more of you, that on certain days, and at certain places, by you to be appointed for that purpose, you do cause the said witness, Julia Kottman, named in the annexed interrogatories, to come before you, and then and there examine her upon the said interrogatories, on her corporal oath first taken before you, (or any two or more of you,) on the holy evangelists; and that you do take such her examination and reduce it into writing; and when you shall have so taken it, you are to send the same to the clerk of the circuit court aforesaid, on or before the ninth day of May next, closed up and under your seals, or the seals of any two of you, distinctly and plainly set, together with the said interrogatories, and this writ; and further, that you, and each of you, before you act in, or be present at the swearing or examining [of] any witness or witnesses, do severally take the oath first specified in the schedule hereto annexed. And full power is given you, or either of you, jointly or severally, to administer such oath to the rest, or any other of you, upon the holy evangelists. And it is further required of you, that all and every of the clerk or clerks employed in taking, writing, transcribing, or engrossing the deposition or depositions of witness, to be examined by virtue of these presents, shall, before he or they be permitted to act as clerk or clerks as aforesaid, or be present at such an examination, severally take the oath last specified in the said schedule annexed; and full power and authority is also given you, or any of you, jointly or separately, to administer such oath to such clerk or clerks, upon the holy evangelists.

Witness, the honorable Roger B. Taney, esquire, chief justice of the supreme court of the United States, this thirtieth day of March, in the year of our Lord one thousand eight hundred and forty-four, and in the sixty-eighth year of American independence.

JACKSON & HARDEN,
Complainant's Solicitors.

The commissioner's oath.

You shall, according to the best of your skill and knowledge, truly, faithfully, and without partiality to any or either of the parties in this cause, take the examinations and depositions of all and every witness and witnesses, produced and examined by virtue of the above commission, upon the interrogatories now produced and left with you. And you shall not publish, disclose, or make known, to any person or persons whatsoever, except to the clerk or clerks by you employed, and sworn to secrecy in the execution of this commission, the contents of all or any of the depositions of the witnesses, or any of them,

494.

to be taken by you and the other commissioners in the said commission named, or any of them, by virtue of the said commission, until publication shall pass by rule or order of said court, so help you God.

The clerk's oath.

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take and write down, transcribe, and engross the depositions of all and every witness and witnesses produced before and examined by the commissioners, or any of them, named in the commission hereunto annexed, so far forth as you are directed and employed by the said commissioners, or any of them. And you shall not publish, disclose, or make known, to any person or persons whatsoever, the contents of all or any of the depositions of the witnesses, or any of them, to be taken, wrote down, transcribed, or engrossed by you, or whereto you shall have recourse, or be in anywise privy, until publication shall pass by rule or order of the said court, so help you God.

Sixth circuit court of the United States for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, vs. JAMES TAYLOR, Julia Scarbrough, et al., defendants. } In equity.

Interrogatories to Mrs. Kottman.

Original interrogatories to be propounded to Mrs. Julia Kottman, a witness to be produced and examined on behalf of the above named complainant, residing in Barnwell district, in the State of South Carolina.

1st. Do you know the complainant, Charlotte Taylor; what was her maiden name, and how long have you known her?

2nd. Are you or not related to the said Charlotte Taylor? If yea, how nearly are you so related? Were you or not once intimate in the family of William and Julia Scarbrough, the father and mother of complainant?

3rd. What is your own age, to the best of your knowledge, information, and belief? In what month and year were you born? Are you older or younger than the said Charlotte Taylor; and if older, how much?

4th. Did you ever hear any thing said by William or Julia Scarbrough of the age of their daughter Charlotte? If yea, what, when, where, and under what circumstances did you ever hear them, or either of them, speak on the subject? What have generally been your impressions with regard to the complainant being older or younger than yourself? Give the reasons for those impressions.

5th. State any thing else you know of benefit to complainant, as fully as though you were specially interrogated.

JACKSON & HARDEN,
Complainant's Solicitors.

Cross interrogatories.

1st. If you answer that you *were* intimate in the family of William Scarbrough, please state how long ago it was, and what was your age at that time? Was it before or after your first marriage, and where have you principally resided since?

2nd. If you state any thing of the age of Charlotte Taylor, state facts as they may have come to your knowledge, and the source whence you derive them. In what month and year was she born?

3rd. In what year and month did William Scarbrough marry his wife Julia; who was their first child; what was its name; and in what year and month was it born?

4th. If you know any other matter or thing that will benefit the defendants, state it as fully as if particularly interrogated thereto.

McALLISTER & COHEN,
Solicitors for Barnsley and wife, and executors of Wm. Taylor.

We object to the 3rd and 4th interrogatories, and reserving that objection for the decision of the court, propound the above cross interrogatories.

McA. & C., *Solicitors.*

E. BELLINGER, jr. esq., }
A. P. ALDRICH, esq. } defendants' commissioners.

In the sixth circuit court for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, }
vs. }
JAMES TAYLOR & others. }

Examination and deposition of Mrs. Julia Kottman, produced, sworn and examined by the undersigned commissioners, in virtue of the annexed commission issuing out of the honorable sixth circuit court of the United States for the district of Georgia, taken and reduced to writing at Barnwell court-house, in the district of Barnwell, and State of South Carolina, this fifth day of April, 1844.

The said witness, in her thirty-eighth year, being duly sworn, (and also the clerk and the commissioners being duly sworn,) answers and deposes as follows, to wit:

1. To the first direct interrogatory the witness answering saith that she does know the complainant, Charlotte Taylor, and has known her since childhood; her maiden name was Scarbrough.

2. To the second direct interrogatory the witness answering saith, that she is first cousin to the said Charlotte Taylor, whose father was the brother of witness' mother. I was intimate in the family of William and Julia Scarbrough, the father and mother of said Charlotte.

3. To the third direct interrogatory. "According to the best of my information and belief, I was born on the 17th November, 1806, and have seen the same marked down in a bible in my mother's handwriting; and

I have always understood that I was about nine months older than the said Charlotte "

4. To the fourth direct interrogatory. "I have frequently heard Mrs. Scarbrough, the mother of said Charlotte, on being asked to the age of her daughter in the presence of William Scarbrough, her husband, say that I was about nine months older than Charlotte; my impression is, and has been, that Charlotte was about nine months younger than myself, and that impression is founded on what her mother said.

5. To the fifth direct interrogatory. "I know nothing further."

1. To the first cross interrogatory the witness answering saith: "I was intimate in the family of William Scarbrough about the year 1818. I resided in his house, and was under the care of Mrs. Scarbrough for about three years; she called me her adopted daughter in consequence of the dying injunctions of my mother. I resided with them about my twelfth, thirteenth, and fourteenth years; this was before my first marriage. I also went to school with Charlotte; since then I have resided chiefly in Barnwell district.

2. To the second cross interrogatory. I know nothing further than what I have stated.

3. To the third cross interrogatory the witness answers, " I know nothing."

4. To the fourth cross interrogatory. "I know nothing further."

In testimony whereof, the said witness, and the undersigned commissioners, and the clerk, have hereunto signed and countersigned their names on this single sheet of paper, this fifth of April, 1844.

JULIA KOTTMAN.
M. R. STANSELL, *Clerk.*

E. BELLINGER, jun.,
WM. PROVOST. } *Commissioners.*

Received May 1st, 1844, through the post office in Savannah.
GEO. GLEN, *Clerk.*

Interrogatories to Mrs. Mary C. Taylor.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant,
vs.
JAMES TAYLOR, Julia Scarbrough, et als., defendants. } In equity.

Sixth circuit court of the United States for the district of Georgia.

Original interrogatories to be propounded to Mrs. Mary C. Taylor, widow, and Mrs. Dinah Minis, witnesses, to be produced and examined on behalf of the above named complainant, both residing in Savannah, in the district aforesaid.

To Mrs. Taylor.

1st. Do you know the complainant, Charlotte Taylor; if yea, what was her maiden name; and how long have you known her?

2d. What is the age of the said Charlotte Taylor? When and where was she born? If you testify as to a particular day or year, declare how you acquired a knowledge of complainant's birth on such day or in such year.

3d. Where were you in the summer and fall of 1807; if you left Savannah at any time during that year, was complainant born when you so left it? Where were you, when, what was the year, and from whom did you first hear of complainant's birth. Do you remember to have had a conversation with said Charlotte Taylor, a few years ago, concerning her age? If yea, state generally what passed in that conversation, and the reason you assigned, if any, for believing that she was born in 1807.

4th. What do you know of the conveyance by complainant of the house and lots on West Broad street, in Savannah, to your late husband, Capt. William Taylor, in trust? State all you know which leads you to believe that it was, or was not, the free and voluntary act of complainant. How did the said William Taylor regard it; and what did he say of the transaction at the time it occurred?

5th. Do you know of any other matter, cause, or thing of benefit to complainant? If yea, state the same fully.

Interrogatories to Mrs. Minis.

To Mrs. Minis.

1st. Do you know the complainant, Charlotte Taylor? If yea, what was her maiden name?

2d. What is the age of the said Charlotte Taylor, and in what year was she born? If you do not know the year, be pleased to state whether Mrs. Julia Scarbrough, the mother of complainant, had a child living in January, 1807; be pleased to state also the reasons for your knowledge or recollection on the subject of complainant's age.

3d. If you know of any other matter, cause, or thing of benefit to complainant, state the same fully.

JACKSON & HARDEN,
Complainant's solicitors.

The solicitors for the executors of William Taylor, and for Godfrey Barnsley and wife, object to the testimony of Mrs. Mary Taylor on the ground that she is incompetent as a witness in this case. We also object to any conversation with Charlotte Taylor as competent testimony.

1st. To any interrogatory propounded to either of you, we have to request that you will speak of your own knowledge, or, if you give your belief, you will give the *reasons* on which your belief is founded.

McALLISTER & COHEN,
Solicitors, &c.

In the 6th circuit court of the United States for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, vs. JAMES TAYLOR, Julia Scarbrough, et al., defendants. } In equity.

Examination and deposition of Dinah Minis, a witness produced, sworn, and examined by the undersigned commissioners, appointed by consent, taken and reduced to writing in the city of Savannah, on this nineteenth day of April, A. D. 1844.

Dinah Minis being duly sworn answers and deposes as follows, to wit:

To the 1st direct interrogatory the witness answering saith, she does know the complainant Charlotte Taylor, and her maiden name was Charlotte Scarbrough.

To the 2d direct interrogatory the witness answering saith, she does not know the age of Charlotte Taylor, nor does she know the year in which she was born; she does not know whether Mrs. Julia Scarbrough had a child living in 1807 or not.

To the 3d direct interrogatory the witness answering saith, she does not know of any other matter, cause, or thing of benefit to complainant.

DINAH MINIS.

Sworn and subscribed to before us, the date above written.

JOS. BANCROFT,
J. H. GOODRICH,
Commissioners by consent.

Received from Joseph Bancroft, one of the commissioners, May 2d, 1844. G. GLEN, *Clerk.*

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, vs. JAMES TAYLOR, Julia Scarbrough, & al., defendants. } In equity.

Sixth circuit court of the United States, district of Georgia.

Deposition of Mrs. Mary C. Taylor, taken at the city of Augusta, on the 30th of April, 1844, under the consent endorsed on the annexed interrogatories.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, vs. JAMES TAYLOR, Julia Scarbrough, et al., defendants. } In equity.

Sixth circuit court of the United States, district of Georgia.

Original interrogatories to be propounded to Mrs. Mary C. Taylor, widow, residing in Savannah, in the district aforesaid; a witness to be produced and examined on behalf of the above named complainant.

1st. Do you know the complainant Charlotte Taylor? If yea, what was her maiden name, and how long have you known her?

2d. What is the age of the said Charlotte Taylor; when and where was she born? If you testify to a particular day or year, declare how you acquired a knowledge of complainant's birth on such day, or in such year.

3d. Where were you in the summer and fall of 1807? If you left Savannah at any time during that year, was complainant born when you so left it? Where were you, when, what was the year, and from whom did you first hear of complainant's birth? Do you remember to have had a conversation with said Charlotte a few years ago concerning her age? If yea, state generally what passed in that conversation, and the reason you assigned, if any, for believing that she was born in 1807.

4th. What do you know of the conveyance by complainant of the house and lots on West Broad street, in Savannah, to your late husband, Captain William Taylor, in trust? State all you know which leads you to believe that it was or was not the free and voluntary act of complainant. How did the said William Taylor regard it, and what did he say of the transaction at the time it occurred?

5th. Do you know of any other matter, cause, or thing of benefit to complainant? If yea, state the same fully.

JACKSON & HARDEN,
Complainant's solicitors.

The solicitors for the executors of William Taylor and for Godfrey Barnsley and wife object to the testimony of Mrs. Mary C. Taylor on the ground that she is incompetent as a witness in this case. We also object to any conversation with Charlotte Taylor as competent testimony.

1st. To any interrogatory propounded to you we have to request that you will speak of your own knowledge, or if you give your belief, you will give the *reason* on which your belief is founded.

McALLISTER & COHEN,
Solicitors, &c.

The said witness, examined by William T. Gould, acting for the complainant, and Andrew J. Miller, acting for the defendants, being duly sworn true answers to make to the annexed interrogatories, deposes and answers as follows, that is to say:

1. To the first interrogatory she answers: I know the complainant, and have known her ever since she was a few months old; her maiden name was Scarbrough.

2d. To the second she answers: I do not know her precise age, and cannot recollect the year of her birth; she was born in Savannah during my absence at the North.

3d. To the third she answers: I presume I was at the North during the summer of 1807, as that was my habit at that period; I cannot say whether the complainant was born in that year or not; I remember that, on my return from the North, (I cannot say in what year,) I found her

an infant of three or four months old, having previously heard of her birth by a letter from her father to my husband. I had a conversation with complainant about her age in the year 1841; I told complainant that I did not recollect her age, and I do not remember assigning any reason for believing she was born in 1807.

4th. To the fourth she answers: I have no knowledge on the subject of the conveyance, except what I derived from my late husband's conversation; I believe the conveyance to be the voluntary act of complainant, from hearing her so declare to her brother in 1841. Mr. Taylor always regarded it as a voluntary act, and spoke of it as very kind on the part of complainant.

5th. To the fifth she answers: I can state nothing further of benefit to the complainant.

To the cross interrogatory she answers: I have answered the direct interrogatories as directed by this cross interrogatory.

MARY C. TAYLOR.

Sworn to and subscribed before me, April 30th, 1844.

RICHARD ALLEN, *J. P.*

Received at the post office in Savannah, June 14th, 1844.

G. GLEN, *Clerk.*

Commission to examine Mr. Low and Mrs. Isaac.

UNITED STATES OF AMERICA,
District of Georgia.

In the sixth circuit court of the United States for the district of Georgia.

[L. S.] To John Day, George Barnsley, Andrew Taylor, and George Badenach, esquires, greeting:

GEO. GLEN, *Clerk.*

Know ye, that in confidence of your prudence and fidelity, you are hereby appointed, and by these presents are vested (any two or more of you) with full power and authority, diligently to examine all witnesses whatsoever, upon certain interrogatories to be exhibited to you, in a certain cause pending and to be tried in the said court, wherein Charlotte Taylor, by her next friend, is complainant, and Godfrey Barnsley and others are defendants, as well on the part of the complainant as on the part of the defendants, or of either of them. And it is required of you, or any two or more of you, that, on certain days and at certain places by you to be appointed for that purpose, you do cause the said witnesses to come before you, and then and there examine them upon the said interrogatories, on their corporal oath first taken before you (or any two or more of you) on the holy evangelists; and that you do take such examination and reduce it into writing; and when you shall have so taken, you are to send the same to the clerk of the sixth circuit court of the United States, for the district of Georgia, closed up and under your seals, or the seals of any two of you, distinctly and plainly set, to-

gether with the said interrogatories and this writ; and further, that you and each of you, before you act in, or be present at, the swearing or examining any witness or witnesses, do severally take the oath first specified in the schedule hereto annexed; and full power is given you, or either of you, jointly or severally, to administer such oath to the rest, or any other of you, upon the holy evangelists. And it is further required of you, that all and every of the clerk or clerks employed in taking, writing, transcribing, or engrossing the deposition or depositions of witnesses to be examined by virtue of these presents, shall, before he or they be permitted to act as clerk or clerks as aforesaid, or be present at such an examination, severally take the oath last specified in the said schedule annexed; and full power and authority is also given you, or any of you, jointly or separately, to administer such oath to such clerk or clerks upon the holy evangelists.

Witness the honorable Roger B. Taney, chief justice of the United States, this nineteenth day of March, in the year of our Lord one thousand eight hundred and forty-four, and the sixty-eighth year of American independence.

McALLISTER & COHEN,
Solicitors for Barnsley & wife & others.

The commissioner's oath.

You shall, according to the best of your skill and knowledge, truly, faithfully, and without partiality to any or either of the parties in this cause, take the examinations and depositions of all and every witness and witnesses produced and examined, by virtue of the above commission, upon the interrogatories now produced and left with you. And you shall not publish, disclose, or make known to any person or persons whatsoever, except to the clerk or clerks by you employed, and sworn to secrecy in the execution of this commission, the contents of all or any of the depositions of the witnesses, or any of them, to be taken by you and the other commissioners in the said commission named, or any of them, by virtue of the said commission, until publication shall pass by rule or order of said court, so help you God.

GEO. BADENACH.
JOHN DAY.

The clerk's oath.

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take and write down, transcribe, and engross the depositions of all and every witness and witnesses, produced before and examined by the commissioners, or any of them, named in the commission hereunto annexed, so far forth as you are directed and employed by the said commissioners, or any of them, to take, write down, or engross the said depositions, or any of them. And you shall not publish, disclose, or make known to any person or persons whatsoever, the contents of all or any of the depositions of the witnesses, or any of them, to be taken, wrote down, transcribed, or engrossed by you, or whereto

you shall have recourse, or be in anywise privy, until publication shall pass by rule or order of the said court, so help you God.

WILLIAM G. BATESON, } *Clerks.*
DANIEL DAVIES. }

Sixth circuit court of the United States for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker,
vs.
JAMES TAYLOR, Julia Scarbrough, Godfrey Barnsley and Julia, his wife, and others. } In chancery.

Interrogatories to A. Low and Mrs. Isaac.

Interrogatories to be propounded to Andrew Low and Mrs. Lucy Isaac, witnesses, residing in Liverpool in England, to be produced, sworn, and examined on behalf of the defendants.

1st. Do you know the complainant, Charlotte Taylor; if yea, state what was her maiden name, and how long you have known her?

2nd. Are you, or either of you, related to or connected with the said Charlotte Taylor, and do you, or either of you, know her age; if yea, state how you became possessed of the knowledge, and the month and year of her birth.

3rd. Do you, or either of you, know the property which was bequeathed by the late Robert Isaac to the said Charlotte Taylor; and are you, or either of you, acquainted with the circumstances under which the said Charlotte Taylor (then Charlotte Scarbrough) conveyed the same to William Taylor, in trust for her mother, herself, and her brothers and sisters, by deed executed on or about the twenty-second day of January, in the year eighteen hundred and twenty-eight? If yea, state all you know relating to the same.

4th. Were you, or either of you, intimate in the family of the late William Scarbrough, before, and at, and about January, eighteen hundred and twenty-eight; and did you then, or at any time before or after, hear the said Charlotte Scarbrough speak of said deed, and what did she say?

5th. Were you, or either of you, present at the execution of said deed; if yea, please state all that transpired at the time, and before and after the execution of the same.

6th. Do you, or either of you, know whether the late William Scarbrough and his wife passed the summer of 1807 in England; if yea, did or did not Mrs. Scarbrough give birth that summer to a child, in England? Was it a male or female child; and did it live or die? If there be any public record or register of the birth and death of said child, be pleased to obtain and attach to your answers a certified copy of the same, from the proper officer, together with the certificate of the American consul.

7th. If you know any other matter or thing that will benefit the defendants, state the same as fully as if particularly interrogated thereto.

McALLISTER & COHEN,
Defendants' Solicitors, for Barnsley and wife, and executors of Taylor.

Savannah, Ga., 11*th March*, 1844.

Objections to testimony of Mrs. Isaac.

We object, and shall so insist at the hearing, to any testimony which may be given by the witness, Mrs. Lucy Isaac, widow of Robert Isaac, deceased, touching any transaction which came to her knowledge in consequence of her relation to Robert Isaac, or during the existence of the coverture, or which might in any way affect, or be intended to affect, the title of said Robert Isaac, as incompetent and illegal; and we further object, and shall so insist at the hearing, to any testimony, either on the part of the said Lucy Isaac, or of the other witness, Andrew Low, going to show, or intending to show, title out of Robert Isaac, or the complainant, under whom the defendants claim, as being equally incompetent and illegal; and objecting also to the evidence of registry in England or elsewhere, either original or copy, and waiving no objection, or right of objection, to the original interrogatories, or the answers of the witnesses when taken, on the above or other grounds, we propound the following cross interrogatories.

JACKSON & HARDEN,
Complainant's Solicitors.

To Andrew Low.

1st. Were you or not one of the firms of Andrew Low & Company, in Savannah, and Isaac Low & Company, in Liverpool, prior to 1828? If yea, when were said firms formed; of whom were they respectively composed, and when were they dissolved?

2nd. Where did you reside during the existence of said firms? How often, and when, were you in Savannah from 1816 to 1827? How long prior to the year 1819 had you been absent from Savannah, and when first after that year did you return? Declare and state particularly.

3rd. Do you of your own knowledge know any thing of the age of complainant? Where was she born, on what day of the week, and in what month and year? If you speak not of your own knowledge, declare how you derive information.

4th. If in answer to the third direct interrogatory you speak of the circumstances under which complainant conveyed the property to William Taylor in trust, declare how, where, and when you became acquainted with those circumstances; were you not a subscribing witness to the deed? If yea, at whose instance did you subscribe your name?

5th. By whom was said deed drawn? Who was the other witness, and at whose instance was his attestation procured? Was there a

change in the persons, or any one of them, intended as witnesses or a witness to the deed, and why was the change, if any, made? Who were present when the deed was executed, and where did the execution take place? Was William Scarbrough present? Was William Taylor present? Did you see the complainant read the deed, or did you hear it read to her? Declare particularly.

6th. Does it occur to your recollection, that one of the witnesses, about the time of the execution, asked if complainant knew the contents of the deed? What was the question asked, of whom, what the reply, and by whom was the reply made? Declare particularly all that occurred at the time; was any consideration money paid? How long were you in the house and in the presence of the parties before and after the deed was signed?

7. Does it occur to your recollection that James Taylor, the husband of complainant, was asked to attest said deed as a witness? By whom was the request made, and what was his answer? Was Taylor in favor of, or opposed to the execution; and what reason did he assign, if any, for his opposition? Was he, or not, then known or understood to be under an engagement to marry complainant? Has he ever since, to your knowledge, claimed the property conveyed by said deed, or any part of it, as his own? Was he or not, at the time, a copartner of yours in the house of Low, Taylor and Company, in Savannah, or was the name of the house Andrew Low and Company?

8. Was said deed recorded, and on whose affidavit? If on your own, who requested you to make oath? Who carried the deed to the clerk's office, and at whose instance was it carried or sent there?

9. When did you first become acquainted with William Scarbrough, and first visit his house? Where were you when complainant was born? Where was Mrs. Scarbrough, the mother of complainant, from June to August, 1807? In what year and month did Mr. and Mrs. Scarbrough go to Europe? If Mrs. Scarbrough gave birth to a child in England, when, and in what town was it born? If it died, where was it buried?

10. How long did complainant reside in Robert Isaac's family? State all you know on this subject. What was William Scarbrough's pecuniary situation in 1828, and for years before and afterwards? When did he build the large house in West Broad street, and what did it cost him?

11. Do you or not know that James Taylor remonstrated with Mr. Scarbrough, against permitting his daughter to make such a deed; and do you or not know that Scarbrough exerted his influence over her to induce her to execute it? Declare and state fully all you know on this point.

12. Did not William Scarbrough have a large stock of wine and liquors about the year 1819 or 1820? Did he ever sell it, and to whom? Does it or not come to your knowledge that Robert Isaac was the owner of said wine and liquors at the time of his death? Declare fully all you know on this point.

13. If you know any other matter, cause, or thing, of benefit to, or that is calculated to benefit complainant, state the same as fully and particularly as though you were specially interrogated thereto.

To Mrs. Lucy Isaac.

1. Are you the widow of Robert Isaac, late of Savannah, deceased?

2. Where were you from the 4th to the 8th August, 1806? If you were in Savannah on 4th of that month, were you in the house, where and at the time complainant was born? How old were you then? Was Miss Emily Bernard, now Mrs. Burr, in Savannah then; and was Miss Mary Bernard, now Mrs. Lippitt, there likewise, and what were their ages? Were Mrs. Bernard and Mrs. Scarbrough, the grandmothers of complainant, or either of them, in Savannah also? State the day of the week the birth happened.

3. If you speak in answer to the sixth, or any other of the direct interrogatories, of the birth of a child in England to Mrs. Julia Scarbrough, declare whether you speak from hearsay, or of your own knowledge. When and in what town was it born? If it died, where was it buried?

4. How long prior to the death of Robert Isaac did complainant reside in his family? State as nearly as you can, when, and how many times she went with him to the North, and to England; was she or not with him at his death, and during his last illness? And was she or not a constant attendant on him at the time? How long after his death did she leave his house, and where did she then go to reside?

5. Who paid the expenses of complainant when on visit to the North and to England? How many times after you knew the contents of Robert Isaac's will did you speak to complainant? Did you ever afterwards speak to her, and why did you not? How long after his death was it before you knew the contents of his will, and how long afterwards was it that complainant removed to the residence of her father and mother?

6. Do you know of any money or other valuable thing, paid or given complainant for executing the deed referred to? If not, then what reason actuated William Scarbrough in permitting her to sign the deed?

7. On what terms were Mrs. Julia Scarbrough and Robert Isaac at and for a long time before his death? Do you not know that he disliked her very much? At the time said deed was executed, was there not a matrimonial engagement between James Taylor and the complainant, and was it not generally known in Savannah?

8. Does it come to your knowledge, that Robert Isaac bought the stock of wine and liquors, once owned by William Scarbrough? If so, when and where did he become the purchaser?

9. Did you ever or not, after you learned the contents of Robert Isaac's will, propose or entertain the disposition to upset it? If yea, why did you not carry out the design? Were you or not dissatisfied and disappointed, that the house with the furniture, &c., on West Broad street had not been devised to you? State particularly.

10. If you know of any other matter, cause, or thing of benefit to

complainant, state the same, and every part thereof, as fully and particularly as though you were specially interrogated thereto.

JACKSON & HARDEN,
Complainant's solicitors.

SAVANNAH, 13*th March*, 1844.

CHARLOTTE TAYLOR, by her next friend, James M. Walker,
vs.
JAMES TAYLOR, Julia Scarbrough, Godfrey Barnsley and Julia, his wife, and others.
} In chancery.

JOHN DAY.
GEO. BADENACH.

In the sixth circuit court of the United States for the district of Georgia.

Examinations and depositions of witnesses, produced, sworn, and examined by the undersigned commissioners, in virtue of the annexed commission issuing out of the honorable the sixth circuit court of the United States for the district of Georgia, taken and reduced to writing at Liverpool, in England, on this thirteenth day of June, one thousand eight hundred and forty-four.

Lucy Isaac.

Lucy Isaac, of Liverpool, in England, widow, aged fifty years, being duly sworn, answers and deposes as follows, to wit:

To the first direct interrogatory the witness answering saith: I know the complainant, Charlotte Taylor; she is the eldest daughter of William Scarbrough, now deceased, late of Savannah, Georgia; her maiden name was Charlotte Scarbrough. I have known her since the year 1807.

To the second direct interrogatory the witness answering saith: William Scarbrough, the complainant's father, was my brother; consequently, the complainant is my niece. She was born in the month of August, 1806. My knowledge of the fact is obtained from common report in the family; and I also know it from the circumstance of my having been staying at the house of Mr. and Mrs. Scarbrough on a visit, in the summer of 1806, and having left them only ten days, or a fortnight, before Mrs. Scarbrough's confinement, and I revisited Savannah in the spring of 1807, and saw the complainant, who was then an infant about eight or nine months old.

To the third direct interrogatory the witness answering saith: I know the property which was bequeathed by the late Robert Isaac to the said Charlotte Taylor; it had formerly belonged to William Scarbrough for many years, until the failure of Pott & McKennie, in New York, involved the firm of Scarbrough & McKennie, in Savannah, of which William Scarbrough was the head. This property, viz., house, furni-

ture, lot, and all improvements thereon, were then seized upon for debt, and sold by the city marshal about the year 1824, as well as I can recollect; and the said property was bought by the said Robert Isaac, (who was my husband,) with the sole intent to secure the enjoyment of it to Mr. Scarbrough's family in peace, which this measure did. My husband allowed William Scarbrough and his family to live in it, and they had the full and entire enjoyment of it; neither my husband nor any one meddling with the premises. My husband left the property by will to the complainant, so that my brother's family might still have the benefit of it after my husband's death. I have often heard my husband state that he would leave it in such manner that my brother, William Scarbrough, and his family, might have the benefit of it without trouble from his creditors. I know nothing of the circumstances attending the transfer of the property to William Taylor, in trust, except that I always understood that it was in furtherance of the intention of my husband.

To the fourth direct interrogatory the witness answering saith: I was intimate with the family of William Scarbrough before, in, and after the year 1828. I do not remember having heard the complainant speak of the deed.

To the fifth direct interrogatory the witness answering saith: I was not present at the execution of the deed.

To the sixth direct interrogatory the witness answering saith: William Scarbrough and his wife visited England in the summer of 1807. I believe that, during Mrs. Scarbrough's residence in Liverpool, England, in November, 1807, she that month gave birth to a son, who was named William Scarbrough, and who lived only a few days.

To the seventh direct interrogatory the witness answering saith: I am not aware of any other matter or thing which will benefit the defendants.

To the first cross interrogatory the witness answering saith: I am the widow of the late Robert Isaac, of Savannah.

To the second cross interrogatory the witness answering saith: I was in Carolina from the 4th to the 8th of August, 1806; I was not in the house where, and at the time when, the complainant was born. I was about 13 years old when the complainant was born; Miss Emily Bernard, now Mrs. Burr, and Miss Mary Bernard, now Mrs. Lippitt, were in Savannah in the month of August, 1806. I should think Mrs. Burr was then about 13 years old, and Mrs. Lippitt about 20 months to 2 years old. Mrs. Bernard, grandmother of complainant, was in Savannah with her daughters in August, 1806. Mrs. Scarbrough, grandmother of complainant, was not at Savannah in August, 1806, but was in Carolina with me. I believe the complainant was born on the 4th of August, 1806; but I cannot say on what day of the week the 4th of August fell in that year.

To the third cross interrogatory the witness answering saith: My knowledge of the birth of the child in England has been derived from letters received by me and my parents from my brother and Mrs. Scarbrough,

during their stay in England, and also from Mrs. Scarbrough's relation of the circumstances on her return to the United States, and from the common notoriety of the fact in the family.

To the fourth cross interrogatory the witness answering saith: Complainant visited in the family of my husband as a guest for four or five years prior to his death; she did not reside with us altogether, but would stay a month or so at a time, and then return to her parents. The longest visits she made with us, that I can now remember, were during her visit with us to England, in 1825, and to the North, in 1826; and when her mother went to Darien, in 1827, complainant stayed with us the whole of the summer. Complainant went once to England, in 1825, and once to the North, in 1826, with the late Robert Isaac. Complainant was in the house, but she was not actually with my husband at his death. She saw him occasionally, but was not his constant attendant. I was his most constant attendant, with the assistance of Mrs. McCleod; and, during the last few days of his illness, a black man, named Quashy, belonging to the late Mr. McHenry, nursed him entirely. We all left the house in about a week or ten days after my husband's death. The complainant remained with me for nearly two months after his death, and then went to reside with her mother.

To the fifth cross interrogatory the witness answering saith: My husband paid the expenses of the complainant on the visits referred to; after my husband's will was read, she left my house, and my intimacy with her ceased; I did not, I think, speak to her afterwards more than once; my reason for so doing was the complainant's ungrateful conduct towards me, after the kindness she had experienced at my house, and the manner in which I found she spoke of me; and I considered that the breach between us entirely arose from her own conduct. My husband died on the sixteenth of October, 1827, and the will I think was opened in November, or December, of the same year, I am not certain as to the exact date; I think the complainant left within a few days after the reading of the will.

To the sixth cross interrogatory the witness answering saith: I am not aware whether or not any thing was given to complainant for executing the deed, nor do I know that William Scarbrough influenced the complainant to sign the deed; on the contrary, I have always understood that it was the complainant's own inclination and will.

To the seventh cross interrogatory the witness answering saith: My husband and Mrs. Scarbrough were on good terms; I am sure he had no ill feeling towards her. The repeated acts of kindness shewn by him to her, and her family, up to the time of his death, bear out what I say. To the best of my recollection, there was a report that James Taylor was paying his addresses to the complainant in 1828.

To the eighth cross interrogatory the witness answering saith: I know nothing of Mr. Isaac having bought, nor do I believe that he did buy, any stock of wine and liquor, once owned by Mr. Scarbrough.

To the ninth cross interrogatory the witness answering saith: I certainly was at first dissatisfied with my husband's will, because I thought

I was entitled to such property as I was possessed of on my marriage; but when I found I was not so entitled, I did not entertain any disposition to upset it; and I most distinctly state, that my dissatisfaction was totally irrespective of the bequest of the house, furniture, &c., to the complainant, as I had all along known that the intention of my husband in purchasing it was, that it should be held for the benefit of my brother, William Scarbrough, and his family.

To the tenth cross interrogatory the witness answering saith: I am not aware of any other matter or thing which will benefit the complainant.

LUCY ISAAC.

The foregoing deposition was subscribed and sworn to by the said Lucy Isaac, the witness above named, at Liverpool, in England, this thirteenth day of June, 1844, in the presence of—

GEO. BADENACH, } *Commissioners.*
JOHN DAY, }

Andrew Low, of Liverpool, in England, merchant, a partner in the firm of Isaac, Low and Company there, aged sixty-four years, being duly sworn, answers and deposes as follows, to wit:

And'w Low.

To the first direct interrogatory the witness answering saith: I know the complainant, Charlotte Taylor; her maiden name was Charlotte Scarbrough; I have known her since 1806, in which year she was born.

To the second direct interrogatory the witness answering saith: I am in no way related to nor connected with the complainant; to the best of my recollection she was born in the first week of August, 1806, consequently she is now in her 38th year; I know this fact from the circumstance of my residing in Savannah at the time when she was born, and being on very intimate terms with, and frequently visiting her parents' family.

To the third direct interrogatory the witness answering saith: I know the property bequeathed by the late Robert Isaac to the complainant; the said property was, by marriage settlement, conveyed by the complainant's father, William Scarbrough, to her mother, previous to their marriage, but such settlement not having been recorded in Savannah, the creditors of complainant's father were enabled to have the property sold for the benefit of the creditors. The property was then purchased by Robert Isaac, but still it was considered a doubtful point whether his title was good during the lifetime of Mrs. Scarbrough, who had a claim to it under the settlement; and I believe the complainant conveyed the property to William Taylor in trust, in order that the family generally might have the benefit of it.

To the fourth direct interrogatory the witness answering saith: I was intimate in the family of the late William Scarbrough, both before, in, and after 1828; I was a subscribing witness to the signing of the deed,

and after it was signed, the complainant expressed to me that she was then satisfied, and was glad that she had done it, or words to that effect.

To the fifth direct interrogatory the witness answering saith: I was present, as stated before, at the execution of the deed; it is impossible, at this distance of time, to remember all *than* transpired, but this I am certain of, that the complainant knew the contents of the deed, and approved of it; in fact, as I have before said, she herself told me so.

To the sixth direct interrogatory the witness answering saith: William Scarbrough and his wife were in England in the summer of 1807, and I believe Mrs. Scarbrough gave birth to a male child in Liverpool, and that the child died a few days after its birth. I annex to these my answers a copy of the entry of the certificate of the burial of the said child, certified by the Reverend James G. Headlam, minister of the parish church of St. Peter, in Liverpool. I have myself examined the said copy with the original entry, and it is a true copy thereof. No public records of births were kept in Liverpool in 1807.

To the seventh direct interrogatory the witness answering saith: I know of no other matter or thing which will benefit the defendants.

And'w Low.

To the first cross interrogatory the witness answering saith: I was one of the firm of Andrew Low and Company, of Savannah, and Isaac, Low and Company, of Liverpool, prior to 1828; the house of Isaac, Low and Company, was formed in 1816; the partners were myself, Robert Isaac, and James McHenry, from 1816, until dissolved by the death of James McHenry, in 1826, and again on the death of Robert Isaac, in 1827.

To the second cross interrogatory the witness answering saith: I resided in Liverpool, conducting the business of Isaac, Low and Company, from the summer of 1816, until the fall of 1826, when I visited Savannah; I remained there until the spring or summer of 1827, when I returned to Liverpool. I again left Liverpool in October of the same year, for Savannah, where I remained until the summer of 1828. I was absent from Savannah from two to three years prior to 1819, having left that place in the summer of 1816, and, as I have before stated, I did not return there until the year 1826.

To the third cross interrogatory the witness answering saith: The complainant was born in Savannah, in the early part of August, 1806; I recollect the circumstance perfectly, and I derive my knowledge of the fact from residing in Savannah at that time, and being in constant intercourse with the family; but I cannot state the day of the month upon which she was born.

To the fourth cross interrogatory the witness answering saith: I became acquainted with the circumstances I have stated, relative to the property, from my personal intimacy with William Scarbrough and his family, and upon my connexion in business with the late Robert Isaac. I was a subscribing witness to the deed at the instance of William Scarbrough.

To the fifth cross interrogatory the witness answering saith: I do not know by whom the deed was drawn; the other subscribing witness was Mr. Gilmartin; he was requested to be so by William Scarbrough. There was a change of one of the witnesses of the deed, in consequence of James Taylor, who had previously arranged to be a witness, declining to be so after his arrival at William Scarbrough's house for that purpose. I do not remember that he gave any reason for declining. The parties present, when the deed was executed, were the complainant's father and mother, and the witnesses. I did not see or hear the complainant read the deed, but I was then and still am satisfied that she knew the contents, and approved of it.

To the sixth cross interrogatory the witness answering saith: I do not recollect the question being put to the complainant, whether she knew the contents of the deed, nor do I recollect whether any consideration money was offered; if there was, it was a piece of coin, probably a dollar, in the usual way in such cases; I think I was in William Scarbrough's house about two hours previous to signing the deed, and left soon after.

To the seventh cross interrogatory the witness answering saith: James Taylor, now the husband of the complainant, had been asked by Mr. Scarbrough to attest the deed, as a witness, and he consented to go with me to the house for that purpose; after closing our place of business, I asked him to accompany me; he said he would soon follow me, which he did; he did not express himself opposed to the execution of the deed that I am aware of; I certainly never heard him. It was not known or understood by me, that he was under an engagement to marry the complainant; the previous year there was something of the kind spoken of, but he and the complainant had disagreed, and I was given to believe that it was all broken off. At the dissolution of the partnership of Low, Taylor and Company, in 1834 or 1835, James Taylor was largely indebted on private account to the said firm; and some time in 1835 I granted him a discharge from the said debt, in consideration of his giving up to me every description of property belonging to himself and his wife, except his household furniture, which I allowed him to retain; he did not at this time mention to me that he or his wife had any claim to the property in question, or I should have claimed it in conformity with our agreement. I had never heard of his making any claim to the property conveyed by the said deed, or any part of it, until advised of it by William Robertson, under date of the 16th February, 1844.

To the eighth cross interrogatory the witness answering saith: I do not recollect whether the deed was recorded; I made no affidavit on the subject.

To the ninth cross interrogatory the witness answering saith: I became personally acquainted with William Scarbrough about 1802 or 1803, and I first visited at his house soon after he was married; I was in Savannah when the complainant was born; I believe that Mrs. Scarbrough was in Europe, or on her way there, from June to August,

1807; Mr. and Mrs. Scarbrough went to Europe in the spring or summer of 1807. I believe Mrs. Scarbrough gave birth to a child in Liverpool, in 1807; it died shortly after its birth, and was buried in St. Peter's church yard, in Liverpool.

To the tenth cross interrogatory the witness answering saith: I do not know how long the complainant resided in the late Robert Isaac's family; after William Scarbrough's failure, I should think his pecuniary means were limited, but his wife had an income from some negroes which were settled upon her, and he was for some time president of the Steamboat company, and subsequently (prior to 1828,) he became manager of the Upper Darien Saw-mill company, of which he continued the management until 1832 or 1833, when he was displaced by his son-in-law, James Taylor. I do not know when the house in West Broad street was built; I believe however that it was built in or previous to 1819; I do not know what it cost.

To the eleventh cross interrogatory the witness answering saith: I do not know, nor did I ever hear, that James Taylor remonstrated with William Scarbrough against permitting his daughter to make such a deed; nor do I know, or believe, that William Scarbrough exerted his influence over her to induce her to execute it.

To the twelfth cross interrogatory the witness answering saith: I was residing in Liverpool, and could know nothing of William Scarbrough's stock of wine and liquors in 1819 and 1820, or of his making any sale of them; nor do I know that Robert Isaac was owner of said wine and liquors.

To the thirteenth cross interrogatory the witness answering saith: I do not know of any thing that can benefit the complainant.

ANDREW LOW.

The foregoing deposition was subscribed and sworn to by the said Andrew Low, the witness above named, at Liverpool, in England, this thirteenth day of June, 1844.

GEO. BADENACH, JOHN DAY, } *Commissioners.*

Burials at the parish church of St. Peter, in Liverpool, in the year 1807.

No	When died.	When buried.	Age.	
284	Nov. 22	Nov. 24.	10 d.	William, son of William Scarbrough, merchant, Hill street.

The above is a true copy, taken from the register of burials at the parish church of St. Peter, in Liverpool, this seventh day of June, in the year one thousand eight hundred and forty-four.

By me, J. G. HEADLAM, *Minister.*

TAYLOR, vs. TAYLOR. } In chancery.

This is the entry of the certificate of the burial of William Scarbrough, referred to in the annexed deposition of Andrew Low.

JOHN DAY, GEO. BADENACH, } *Commissioners.*

I, Samuel Pearce Hice, consul, duly appointed by James Hagarty, consul of the United States of America, for the port of Liverpool and its dependencies, do certify and make known, to all whom it may concern, that the Rev. James Garnett Headlam, whose certificate is hereunto annexed, is a minister of the parish church of St. Peter, in Liverpool; and further that he signed the said certificate in my presence.

Given from under my hand and seal of office, at Liverpool, the 7th day [L. S.] of June, and year one thousand eight hundred and forty-four.

SAM. PEARCE HICE, *Consul.*

Received at the post office in Savannah, July 17th, 1844.

GEO. GLEN, *Clerk.*

Commission to examine H. Sistare.

UNITED STATES OF AMERICA, *district of Georgia:*

In the sixth circuit court of the United States for the district of Georgia.

To Richard M. Blatchford, William Inglis, William Dodge, and William H. Maxwell, esquires, greeting:

Know ye, that in confidence of your prudence and fidelity you are hereby appointed, and by these presents are vested, (any two or more of you,) with full power and authority, diligently to examine all witnesses whatsoever, upon certain interrogatories to be exhibited to you, in a certain cause, pending and to be tried in the said court, between Charlotte Taylor, by her next friend, James M. Walker, complainant, and James Taylor, Julia Scarbrough, Godfrey Barnsley and Julia, his wife, Joseph Scarbrough, Robert M. Goodwin, Norman Wallace and Andrew T. Miller, defendants; as well on the part of the said Charlotte Taylor, complainant, as on the part of the defendants aforesaid, or of either of them; and it is required of you, or any two [or] more of you, that on certain days, and at certain places by you to be appointed for that purpose, you do cause the said witness to come before you, and then and there examine him upon the said interrogatories, on his corporal oath first taken before you, (or any two [or] more of you,) on the holy evangelists, and that you do take such his examination and reduce it into writing; and when you shall have so taken it, you are to send the same to the clerk of the sixth circuit court of the United States, for the district of Georgia, closed up and under your seals, or the seals of any two of you, distinctly and plainly set, together with the said interrogatories, and this writ; and further, that you, and each of you, before you act in, or

be present at, the swearing or examining any witness or witnesses, do severally take the oath first specified in the schedule hereto annexed; and full power is given you, or either of you, jointly or severally, to administer such oath to the rest, or any other of you, upon the holy evangelists. And it is further required of you, that all and every of the clerk or clerks employed in taking, writing, transcribing, or engrossing the deposition or depositions of witness to be examined by virtue of these presents, shall, before he or they be permitted to act as clerk or clerks as aforesaid, or be present at such an examination, severally take the oath last specified in the said schedule annexed; and full power and authority is also given you, or any of you, jointly or separately, to administer such oath to such clerk or clerks upon the holy evangelists.

Witness the honorable Roger B. Taney, esquire, chief justice of the Supreme Court of the United States, this twelfth day of April, in the year of our Lord one thousand eight hundred and forty-four, and sixty-eighth year of American independence.

JACKSON & HARDEN.
Complainant's solicitors.

Commissioner's oath.

You shall, according to the best of your skill and knowledge, truly, faithfully, and without partiality to any or either of the parties in this cause, take the examinations and depositions of all and every witness or witnesses produced and examined by virtue of the above commission, upon the interrogatories now produced and left with you. And you shall not publish, disclose, or make known to any person or persons whatsoever, except to the clerk or clerks by you employed, and sworn to secrecy in the execution of this commission, the contents of all or any of the depositions of the witnesses, or any of them, to be taken by you and the other commissioners in the said commission named, or any of them, by virtue of the said commission, until publication shall pass by rule or order of said court, so help you God.

WM. H. MAXWELL.
R. M. BLATCHFORD.

Sworn by Richard M. Blatchford, before me,
WM. H. MAXWELL, *Com'r.*

Sworn by Wm. H. Maxwell, before me,
R. M. BLATCHFORD.

The clerk's oath.

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take and write down, transcribe and engross, the depositions of all and every witness and witnesses produced before, and examined by, the commissioners, or any of them, named in the commission hereunto annexed, so far forth as you are directed and employed by the said commissioners, or any of them, to take, write down, or engross the said depositions, or any of them; and you shall not publish, disclose, or make known, to any person or persons whatsoever, the con-

tents of all or any of the depositions of the witnesses, or any of them, to be taken, wrote down, transcribed, or engrossed by you, or whereto you shall have recourse, or be in anywise privy, until publication shall pass by rule or order of the said court, so help you God.

J. D. FAY, *Clerk.*

Sworn before me, this 29th day of April, 1844.

WM. H. MAXWELL, *Comm'er.*

The execution of this commission will appear in the schedule hereto annexed.

WM. H. MAXWELL, } *Commissioners.*
R. M. BLATCHFORD, }

United States sixth circuit court for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, vs. JAMES TAYLOR, Julia Scarbrough, et al., defendants. } In equity.

Original interrogatories to be propounded to Horace Sistare, a witness residing in the city and State of New York, to be produced, sworn, and examined on behalf of the above named complainant.

1st. Do you know the complainant, Charlotte Taylor, and the defendants, Godfrey Barnsley and Julia, his wife?

2nd. Did you ever reside in the large house on West Broad street, in the city of Savannah, formerly the property of William Scarbrough? If yea, when and for how long a time or times did you so reside there? And who besides yourself resided there at such time or times?

3rd. If you answer that Godfrey Barnsley and wife ever lived in said house, state what were the terms on which they went to live there in 1835, and by whose invitation or permission? Had the person giving such permission, within the knowledge of Barnsley, any or no authority to grant such permission? Did said Barnsley at that time know or not that the said premises, furniture, &c., had belonged to the late Robert Isaac, and been by him bequeathed and devised to the complainant?

4th. Do you know any thing of a stock of wines and liquors on the premises aforesaid, during your residence there, or at any other time? If yea, whose was it considered to be, and what was the probable quantity and value of the same, when Barnsley and his family went to reside there in 1835? Were any of said wines claimed by said Julia Barnsley or others, members of William Scarbrough's family, as theirs? If yea, state the different claims, by whom made, and the quantities used by such persons. How much of said wine did complainant or yourself ever receive and use, and what was the quantity on the premises when William Scarbrough died? State all you know on these subjects.

5th. Did said wines and liquors belong to the house, or were they the property of William Scarbrough? State all you know of the ownership of these articles, and your sources of knowledge. What do you know of the use, sale, disposition, or waste of the same, and by whom was

such sale, waste, use, or disposition made, either of said wines and liquors, or of any other personal property on, and belonging to, said premises, during your residence there, before or afterwards?

6th. Have you any reason to know that while the defendant, Barnsley, lived in said house, and was putting repairs or improvements on it, he knew that he had no authority for doing so? If yea, state your reasons fully. Did he or not know of the trust deed from Charlotte Taylor, the complainant, to William Taylor? Did he or not know of Robert Isaac's devise to complainant? What was the occupancy of said house worth per annum to said Barnsley, and how long did he occupy it? Did he bear all the expense of repairs and improvements put thereon? If nay, who else contributed to them?

7th. Did you ever visit complainant at her residence, New Brunswick, New Jersey? If yea, in what year? And did you then, or at any other time, have a conversation with her in reference to changing the terms of said trust deed? If yea, what did you tell her of the effect upon her children in the event of her death before her mother, Mrs. Julia Scarbrough? When, if ever, did you send complainant a copy of said deed, and what was your object in sending it to her?

8th. If you know of any other matter, cause, or thing, of benefit to complainant, or her title to the real and personal property in dispute, state the same as fully as though you were specially interrogated thereto.

JACKSON & HARDEN,
Complainant's Solicitors.

Sixth circuit court U. S., district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant,
vs.
JAMES TAYLOR, Julia Scarbrough, Godfrey Barnsley and wife, and others, defendants. } In equity.

Interrogatories to be propounded, by way of cross examination, to Horace Sistare, a witness to be examined in behalf of complainant, in above case.

The solicitors for defendants, Godfrey Barnsley and wife, object to any interrogatory, the object [of] which is to elicit anything said by complainant in above case; they also object to any conversation between complainant and witness, as competent testimony, unless same was held in presence and hearing of defendant, Godfrey Barnsley; they also object to any interrogatory as to the *probable* amount of wines on hand, as inquired of in the fourth interrogatory in chief; and they object to any interrogatory in relation to said wine. Without intending to waive any of foregoing objections, they submit the following:

1st. Are you enabled to state the exact quantity, or precise value of any wines used by defendant, Godfrey Barnsley?

2nd. How long before the commencement of the present suit did you know of the intention of complainant to set aside her deed, executed in the year eighteen hundred and twenty-eight?

3rd. State when you first heard of the intention of complainant to make the attempt to avoid her said deed.

4th. Please state on your oath whether either you or the defendant, Godfrey Barnsley, ever heard or believe complainant had any title to the property inquired of in the interrogatories in chief.

6th. Do you not know that the defendant, Godfrey Barnsley, made considerable improvements on the property in West Broad street? If yea, what was the value of these improvements, when were they made, and what time was occupied in making them?

7th. Was complainant, Charlotte Taylor, in the city of Savannah during your residence here? If yea, when was she here? For what length of time? Did she not visit her mother at the said house in West Broad [street] while here?

8th. Was not complainant, Charlotte Taylor, cognizant to the improvements made by Godfrey Barnsley? Did she know of them at the time they were made?

9th. Did you ever hear complainant complain of having been forced by threats, or induced by entreaties, to execute the deed of 1828, or say she was at the time of the execution of it under the age of twenty-one years? If yea, state *when* you first heard her make such complaint.

10th. Do you know why complainant, the said Charlotte Taylor, has deferred making any claim to the house in West Broad street, of which inquiries *has* been made of you, until the institution of this suit? If yea, state particularly what were her reasons.

11th. Please state if you know what is the age of complainant, Charlotte Taylor. State your belief as to her age, and your reasons for such belief.

12th. Please state on your oath all that you know that may benefit defendant, Godfrey Barnsley and wife, and may benefit the executors of William Taylor, deceased, defendants in this case, as if particularly interrogated thereto.

McALLISTER & COHEN,
Solicitors for G. Barnsley and wife, and executors of Wm. Taylor, defendants.

The defendants nominate William H. Maxwell, esq., as commissioner.

McALLISTER & COHEN,
Solicitors for defendants.

CHARLOTTE TAYLOR, by her next friend, James M. Walker,
vs.
JAMES TAYLOR, Julia Scarbrough, Godfrey Barnsley and wife, et alias.
} Case.

In the 6th circuit court of the United States for the district of Georgia.

Horace Sistare.

Examination and deposition of witness, produced, sworn, and examined by the undersigned commissioners, by virtue of the annexed

commission, issuing out of the honorable the sixth circuit court for the district of Georgia, taken and reduced to writing at the office of William H. Maxwell, in the city of New York, on this 8th day of May, 1844.

City and county of New York, *ss:*

Horace Sistare, aged 36 years, being duly sworn, answers, deposes, and says, as follows, to wit:

To the first direct interrogatory the witness answering saith, I know them all.

To the second direct interrogatory the witness answering saith, I did reside in the house in West Broad street during parts of the years 1832, 1833, 1837, 1838, and 1839; Mrs. Scarbrough and her family, and Mr. Barnsley and his family, resided there at times.

To the third direct interrogatory the witness answering saith, Mr. Barnsley and his family went to said house in 1835, at the desire of Mr. Scarbrough and his wife, who had full authority to do so; Mrs. Scarbrough owned the house, of which Mr. Barnsley was aware; he also knew the said house, furniture, and premises had belonged to the late Robert Isaac, and had been bequeathed in his will to complainant; Mr. Barnsley supplied the table and provisions.

To the fourth direct interrogatory the witness answering saith, I do in regard to the stock inquired of. It was considered to be Mr. Scarbrough's wine, I always believed it to be so, the exact quantity I cannot say; I estimate it at about $1500 (from what I know) at the time Barnsley went to live at the said house. Don't know that Julia Barnsley or any other of the Scarbrough's family claimed the wine ; I don't know as to the fact, but complainant may have used a few bottles; I used the wine in the house whenever I desired it, by full permission of Mr. Scarbrough, but can't now say how much I used. When Scarbrough died, there was about $1250 worth on the premises.

To the fifth direct interrogatory the witness answering saith, the wines and liquors belonged, as I understood and believe, to Mr. Scarbrough. The wines were left by Mr. Scarbrough's creditors on the premises. The creditors, as I understood, declined taking the wine, and it was left for the use of the family. After the death of Mr. Scarbrough, Mr. Barnsley sold about $800 worth of the wine, without the authority or knowledge of Mrs. Scarbrough, and in her absence from home. There was no waste to my knowledge. This is the only sale I know of.

To the sixth direct interrogatory the witness answering saith, at the time the repairs were making and afterward, I had conversations with Mr. Barnsley about it, and alluded to the situation of the property which he knew as well as myself. He occupied the house upward of eight years. Barnsley paid for most of the repairs; I paid for Mrs. Scarbrough in all, I think, about $300 at various times.

To the seventh direct interrogatory the witness answering saith, I did visit complainant at her residence in New Brunswick, New Jersey,

in the fall of 1841, and had a conversation on the subject inquired of; speaking of the deed from herself to her mother, I told her of the effect upon her children, by reason of its phraseology, and suggested that some legal steps should be taken to secure the children's rights before Mrs. Scarbrough died; I sent to her her own deed to her mother, which I got at the register's office. My object was to let her know the nature of the papers.

To the eighth direct interrogatory the witness answering saith, I have stated all I now recollect of benefit to the complainant.

WILLIAM H. MAXWELL,
R. W. BLATCHFORD.

The said witness, upon being cross examined on the part and behalf of the said defendants, further deposes and answers as follows, viz:

To the first cross interrogatory, I am not able to answer this question.

To the second cross interrogatory, I knew of her intention to set aside the deed in 1841.

To the third cross interrogatory, I first heard of her intention in 1841.

To the fourth cross interrogatory, I have also heard, and believe, that the property in question was owned by her under the will of the late Robert Isaac. I can't answer as to what Mr. Barnsley believed.

(No fifth cross interrogatory.)

To the sixth cross interrogatory, yes, I do know that Godfrey made improvements (that is, repairs) on the property in question; I don't know the value of said repairs. They were made in 1837 and 1838. Don't know how long they were making said repairs.

To the seventh cross interrogatory, the complainant Taylor was at Savannah during my residence there, and in part of the winter of 1840, and part of the winter of 1842. She did visit her mother in West Broad street, when in Savannah.

To the ninth cross interrogatory, I never heard that she was distressed or forced to sign the deed. I never heard her say that she was under age at the time of the execution of the papers.

To the eighth cross interrogatory, Charlotte Taylor knew of the repairs and improvements being made by Mr. Barnsley, whether at the time or not I can't say.

To the tenth cross interrogatory, I know nothing in answer to this question.

To the eleventh cross interrogatory, I don't know the age of Charlotte Taylor.

To the twelfth cross interrogatory, I have nothing further to say, except that William Taylor was one of the original trustees, and also a trustee under the second deed.

HORACE SISTARE.

Sworn and subscribed, this 8th day of 1844, before us,
WM. H. MAXWELL,
R. M. BLATCHFORD,
Commissioners in the annexed commission named.

Rec'd from post office, and filed Oct. 1st, 1844.

G. GLEN, *Clerk.*

U. S. circuit court, for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker,
vs.
JAMES TAYLOR, Julia Scarbrough, et al.

Interrogatories to Jno. Guilmartin.

Original. Interrogatories to be propounded by consent to John Guilmartin, a witness, produced and sworn on behalf of complainant.

1st. Look at the deed now shown you, from C. D. Scarbrough in trust to William Taylor, and say if you were a subscribing witness to the same. If yea, at whose instance did you subscribe your name as a witness to the same?

2nd. Do you remember any thing that took place at the execution of the same; at what house was it executed, and who were present? State all that occurred at the time by way of conversation, and answer the persons who carried on the conversation; all that you recollect of the transaction. Did complainant in your presence read the deed, or hear it read?

3rd. State every thing else of benefit to complainant, which you recollect, touching the matters to which your attention has been called above.

19th Nov'r, 1844. JACKSON & HARDEN,
Complainant's solicitors.

Cross interrogatories.

1st. Do you mean, by your answer to the second direct interrogatory, to affirm that Andrew Low prevented you from interrogating Miss Scarbrough, or that there was any thing like fraud or coercion used with Miss Scarbrough.

McALLISTER & COHEN,
Deft's solicitors.

U. S. circuit court, for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend,
vs.
JAMES TAYLOR, Julia Scarbrough, et al.

Answers of John Guilmartin, a witness, sworn and examined before me, on behalf of the complainant

To the first direct interrogatory, the witness answers and says, that his name and handwriting is to the instrument as a witness, and that he subscribed as a witness, at the instance of William Scarbrough, the

deed now presented to him, being the original deed from complainant to Wm. Taylor in trust.

To the second direct interrogatory the witness answers and says, he cannot say positively he does, but it strikes him that there was a question or two asked Miss Charlotte Scarbrough, viz: whether it was with a free will; he does not recollect the time; but that he does not recollect that And'w Low, sen'r, was present when he came in; Mr. Scarbrough said he had sent for witness, as such to a deed from Miss Scarbrough to her mother, of property, which as a dutiful child she had made. Witness asked Miss Scarbrough if it was her voluntary act. Mr. Low replied, that witness was called in to witness the deed, and for no other purpose; she did not read the deed, or hear it read in witness's presence. It was executed at Mr. Scarbrough's house in West Broad street.

To the third direct interrogatory the witness answers and says, he knows nothing more.

JOHN GUILMARTIN.

Sworn and subscribed to before me, this 2d January, 1845.
M. MYERS, *Commissioner*.

Answer of the witness, John Guilmartin, to the cross interrogatories.

To the cross interrogatory the witness answers and says: "he does not know."

JOHN GUILMARTIN.

Sworn and subscribed to before me, this 2d January, 1845.
M. MYERS, *Commissioner*.

Mortgage by W. Scarbrough.

STATE OF GEORGIA, *Chatham county:*

Whereas, William Scarbrough and Joseph P. McKinne, merchants and copartners in trade under the firm of Scarbrough and McKinne, are indebted to the Bank of the State of Georgia, the Planters' Bank, the Branch Bank of the United States, and the Marine and Fire Insurance office of the city of Savannah, in a large sum of money; for the security of the payment of which debts they have made and executed their promissory notes of hand, a part of which said notes have been endorsed by Andrew Low and Co. and William Taylor, and as the remaining notes become due they are to be renewed with the like additional endorsements of the said Andrew Low and Co. and William Taylor, and a part of which said notes are now due, and the remainder will become due on, before, or shortly after the first day of January next ensuing the date of these presents. Now, this indenture of two parts, made this fifth day of June, in the present year of our Lord one thousand eight hundred and nineteen, between William Scarbrough, of the said city of Savannah, merchant of the one part, Andrew Low, Robert

Isaac, and James McHenry, merchants, under the firm of Andrew Low & Co., and William Taylor of same place, of the other part, witnesseth:

That the said William Scarbrough, for and in consideration of the endorsement of the said notes as aforesaid by the said Andrew Low & Co. and William Taylor, and in consideration of their responsibility for the payment thereof, and also for and in consideration of the sum of ten dollars to him in hand well and truly paid by said Andrew Low & Co. and William Taylor, the receipt whereof is hereby acknowledged, have granted, bargain and sold, and by these presents doth grant, bargain and sell, unto the said Andrew Low & Co. and William Taylor, fifty-two shares in the Steamboat Company of the State of Georgia; five hundred and twenty-five shares in the Marine and Fire Insurance Office of the city of Savannah; fifty shares in the Planters Bank of the State of Georgia, and eleven shares in the Bank of the State of Georgia, hereby constituting the said Andrew Low & Co. and William Taylor my attornies to transfer the said stock to themselves on the books of the said corporations; also all that lot of land situated, lying, and being in the village of St. Gaul, in the city of Savannah, and known in the plan of said city by the description of lot number fourteen (14) fronting on Bryan street, and containing ninety-five feet square, be the same more or less; also those two lots, and the buildings and improvements thereon, situated in Broughton street, in the city of Savannah aforesaid, and known in the plan of said city by the description of lots number seven (7) and eight, (8) bounded on the north by Broughton street, on the east by lot number six, (6) on the south by a lane, and the west by Pine street; also all that lot of land, and the buildings and improvements thereon, situated, lying and being in the city of Savannah aforesaid, bounded on the east by West Broad street, on the south by a street or lane thirty feet wide, and on the west and north by the lots contiguous to the same, containing ninety feet in front, and being the lot and buildings opposite Mr. Daniel Hotchkiss, and recently erected by the said William Scarbrough; also an undivided eighth part of all those of land adjoining Yamrackraw above the aforesaid city of Savannah, formerly the property of the estate of Clay, and recently sold by Thomas Cumming and William Wallace, be the same more or less; also all that wharf lot, and the improvements thereon, opposite the city of Savannah, on Hutchison's Island, and known in the plan drawn for Mr. William Meir by the description of wharf lot number four, (4) containing one hundred and twenty feet in front, on the river Savannah, and bounded south by the river Savannah, and east and west by lots number three (3) and five, (5) together with all and singular the improvements thereon; also two thirds of thirteen thousand acres of land, situate, lying, and being in the State of South Carolina, between Steel creek and Savannah river, and the lower three runs originally granted to Stephen Smith, Daniel Bordeaux, and Robert McLowrath, the boundaries of which will more fully appear by a reference to the origin-

al grant; also four hundred and eighty acres of first quality of swamp land, situate, lying, and being in the county of Bourke, in the State of Georgia aforesaid, and near the mouth of Big Sweetwater branch, and opposite the mouth of Steel creek, formerly the property of John J. Gray, a more particular description of which will appear by a reference to the deed to the said John J. Gray; also all those twenty-nine negro slaves, named Bordeaux Dick, Jack, Dick, Will, Alex, Jackey, Virgil, Tommy, Edmund, George, (Nanny's,) Waterloo, Bobb, Peggy, Flora, Sylvia, Maria, Mary, Diana, Nanny, Fatima, Esther, Kitty, Diana, (little) Precilla, Hannah, (Silvia's) Cora, Nannette, Grace, Peggy, (little) together with the future issue and increase of the female slaves; also all the interest which I have in the Darien Steam saw-mill, being one tenth part of the same; also three lots and improvements thereon, situate, lying, and being in the city of Savannah, and recently owned by Andrew Knox, near and adjoining the buildings and lot owned by John P. Williamson, and occupied by William Craig, and which said lots and buildings were sold at marshal's sales, together with all and singular the rights, numbers, hereditaments and appurtenances thereunto belonging, or in any wise appertaining; to have and to hold the above described property and premises, unto the said Andrew Low & Co. and William Taylor, and their heirs, executors, administrators, and assigns, subject to the conditions hereinafter named; and whereas there will be due to me, the said William Scarbrough, by Charles R. Stone, of South Carolina, the sum of seventeen thousand dollars, on the twenty-fifth day of June, one thousand eight hundred and twenty-one, together with two years interest on the first amount, and three years interest on the second, at seven per cent.; and whereas there is now due to me, the said William Scarbrough, from James Higginbottom, of Barnwell district, in the State of South Carolina, the sum of twenty thousand dollars, be the same more or less, in consequence of goods advanced when entering into business. Now, for the consideration hereinbefore mentioned, the said party of the first part has appointed the said party of the second part his attornies to collect the aforesaid sums of money from the said Charles R. Stone and James Higginbottom, and apply the same to their use and benefit. Provided, always, and these presents are upon these express condition, that if the said William Scarbrough shall well and truly pay the said notes of hand, and all future notes which may be given on the renewal of the same, and thereby save the said party of the second part harmless and free from all injury, in consequence of so having endorsed the said notes, then this obligation to be void, otherwise to be and remain in full force and virtue; and the powers of attorney hereinbefore made, to be irrevocable; and the said William Scarbrough doth hereby covenant, promise, and agree, to and with the said party of the second part, that he will, when required, make and execute such farther and other conveyances as may be necessary for the purposes hereinbefore expressed; in testimony of which, the parties of these presents have hereunto set their hands and

seals, at the city of Savannah aforesaid, this fifth day of June, eighteen hundred and nineteen.

WM. SCARBROUGH, [L. S.]
ANDREW LOW,
By his attorney JAMES McHENRY, [L. S.]
ROBERT ISAAC,
By his attorney JAMES McHENRY, [L. S.]
JAMES McHENRY, [L. S.]
WM. TAYLOR, [L. S.]
In presence of R. WAYNE,
JAMES MORRISON, *Not. pub.*

Recorded 5th June, 1819.

STATE OF GEORGIA, *Chatham county.*

Clerk's office, superior court.

I, Edward G. Wilson, deputy clerk of the superior court aforesaid, do hereby certify, that the aforesaid (i. e. annexed four pages) is and contains a true copy from the records of said office.

In testimony whereof, I have hereto set my hand and affixed the seal of said court, this fourteenth day of November, eighteen [L. S.] hundred and forty-four, and in the sixty-ninth year of American independence.

EDWARD G. WILSON,
Dep. cl'k sup. C. C. C.

Agreement of A. Low with W. Scarbrough.

CITY OF SAVANNAH, *State of Georgia:*

Whereas by the statement or acc't curr't of Isaac Low & Co., of Liverpool, in the kingdom of Great Britain, against Scarbrough & McKinnie, of the city and State aforesaid, dated the 31st December, 1818, the latter fell in debt to the former nineteen thousand six hundred and ninety-five pounds five shillings and four pence sterling, equal in dollars at 4–6 to eighty-seven thousand five hundred and thirty-four $\frac{50}{100}$ dollars, money of the United States; and whereas, for the securing of the payment of the same, William Scarbrough did make, sign, and execute his bond for the aforesaid amount unto Andrew Low, of the town of Liverpool; and thereon, this sixth day of July, 1819, enter up, in the federal court of this State, a confession of judgment to the aforesaid Andrew Low for the sum of eighty-seven thousand five hundred and thirty-five $\frac{50}{100}$ dollars.

Now, know all men by these presents, that I, James McHenry, of the city of Savannah, and State of Georgia, the attorney on record for the said Andrew Low, do hereby bind and obligate my said constituent, his heirs and assigns, to have placed to the credit of the said Scarbrough, against the said confession of judgment, all the sums which may from time to time have been remitted to the house of Isaac, Low & Co., or which may hereafter be remitted to them, or paid by Scarbrough & Mc-

Kinnie, or Wm. Scarbrough, or by Meredith, Beal & Co., of Augusta, or E. & T. Beall, Lexington, both in this State, or Barna McKinnie, of the former place; and that the rate of interest which the said Scarbrough shall be chargeable in consequence of his execution of the bond hereinbefore described, and dated in Savannah, shall not exceed the rate of interest with which he should have been charged upon the account current; and further, that the said judgment, as before confessed, shall not be enforced against the property or person of the said Scarbrough before the first day of January, which will be in the year of our Lord eighteen hundred and twenty-two.

In witness whereof, I have hereunto set my hand and seal, in the city of Savannah, State aforesaid, this sixth day of July, [L. S.] in the year of our Lord eighteen hundred and nineteen, and of the independence of the United States the forty-fourth.

ANDREW LOW.

By his attorney,

JAS. McHENRY.

Signed, sealed, and delivered in presence of— the words "his heirs and assigns," in the seventeenth line on the other side, and by Scarbrough & McKinnie, or Wm. Scarbrough or," in the first line of this side, being first interlined.

WILL. McHARDY,
JAMES TAYLOR.

[L. S.] *Deed of Wm. Scarbrough to R. Isaac.*

STATE OF GEORGIA, *Chatham county:*

This indenture, made the thirteenth day of May, in the year of our Lord one thousand eight hundred and twenty, between William Scarbrough, of the State and county aforesaid, of the first part, and Robert Isaac, of the city of Savannah, and State aforesaid, of the second part, witnesseth: That the said William Scarbrough, for and in consideration of the sum of twenty thousand dollars to him in hand paid by the said Robert Isaac, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, and thereof, and of and from every part and parcel thereof, the said William Scarbrough doth acquit, release, and discharge the said Robert Isaac, his heirs, executors, and administrators; by these presents the said William Scarbrough hath granted, bargained, sold, aliened, remised, released, and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, and confirm, unto the said Robert Isaac, and to his heirs and assigns, all that lot or lots of land being in the city of Savannah, State aforesaid, known by the number (49) and (50,) forty-nine and fifty, in the plan of the village of St. Gall, bounded on the east by West Broad street, on the south by a street or lane, to the north on lots in the possession of Mathew McAllister, to the west on a lot formerly Mrs. Griggs', the same lot or lots of land being that on which the said William Scarbrough has

lately made improvements, and at this time in his occupancy and possession. Together with all and singular the houses, out houses, edifices, buildings, stables, yards, gardens, liberties, privileges. easements, commodities, emoluments, hereditaments, rights, members, and appurtenances whatsoever thereunto belonging, or in anywise appertaining; and the reversion and reversions, remainder and remainders, rents, issues, and profits, and all the estate, right, title, and interest, property or possession, claim and demand whatsoever, in law, or in equity, of the said William Scarbrough, of, in, or to the same, or any part or parcel thereof, with the appurtenances. To have and to hold the said lot or lots, and all and singular other the premises hereby granted, bargained, sold, aliened, and confirmed, with the hereditaments and appurtenances, unto the said Robert Isaac, his heirs and assigns, to the only use and behoof of the said Robert Isaac, his heirs and assigns, forever, and to and for no other use, intent, or purpose whatsoever. And lastly, the said William Scarbrough, for himself and his heirs, the said lot or lots of land and premises, unto the said Robert Isaac, his heirs and assigns, against himself, his heirs, and against all and every other person or persons whatsoever, shall and will warrant and forever defend, by these presents.

In witness whereof, the said William Scarbrough hath hereunto set his hand and seal, the day and year first above written.

WILLIAM SCARBROUGH. [L. S.]

Sealed and delivered in the presence of us—
JOB T. BOLLES, *C. S. C. C.*
WILLIAM MOREL, *Not. pub.*

Recorded May 18th, 1820.

STATE OF GEORGIA, *Chatham county:*

Clerk's office, superior court.

I, Edward G. Wilson, deputy clerk of the superior court aforesaid, do hereby certify, that the aforegoing (i. e. annexed two pages) is and contains a true copy from the records of said office.

In testimony whereof, I have hereto set my hand and affixed the seal of said superior court, this eleventh day of November, A. D. eighteeen hundred and forty-four. [L. S.]

EDWARD G. WILSON,
Dep. cl'k sup. C. C. C.

Chatham county, inferior court.

Chambers, 16th November, 1820.

Present, their honors John P. Williamson, George L. Cope, Oliver Sturges.

Discharge of Wm. Scarbrough as an insolvent.

"William Scarbrough, esquire, was this day brought up at the court house, in Savannah, pursuant to the extend rule or order of court, to be heard on his petition for relief under the insolvent acts, and there be-

ing no objections made, or suggestions of fraud filed, and it appearing to the court that the said petitioner was bona fide insolvent, and that due and legal notice had been given to the creditors, as personally on those in the State; as by public notice in one of the gazettes of Savannah for the space of sixty days for those creditors out of the State, the oath prescribed by law was administered, and by the petitioner subscribed.

Whereupon the said William Scarbrough was discharged; James Morrison, Thomas Gardner, and esquires, are by the court appointed assignees of the said William Scarbrough, to collect the estate and effects surrendered in terms of the said insolvent acts."

STATE OF GEORGIA, *Chatham county:*

Clerk's office, inferior court.

I, Edmund G. Wilson, deputy clerk of said inferior court, do hereby certify, that the aforegoing is a true extract from the minutes of said court and the records of said office.

In testimony whereof, I have hereto set my hand and affixed the seal of said court, this eleventh day of November, A. D. eighteen hundred and forty-four.

[L. S.]

EDWARD G. WILSON,
Dep. clk. inf. C. C. C.

Agreement between R. Isaac and J. McHenry.

Memorandum of agreement made between Robert Isaac and James McHenry in February, 1826, viz:

The notes of William Scarbrough to A. Low & Co., also S. McKenne's, to be delivered up to R. Isaac, and the notes of John Grieves, to be delivered up to J. McHenry, both having been considered as bad, and not included in the estimate upon which the offer to the creditors was made.

Mr. Scarbrough's transfer, which was estimated in our offer at $20,000, is to be considered as the property of R. Isaac, and entirely under his direction and control, upon his paying to A. Low & Co. the sum of $20,000, and interest at the rate of six per cent. from 19th December, 1825. It is optional with Mr. Isaac, at the end of three years from 19th December, 1825, or at an earlier period if the business of the concern can be brought to a close, to keep for his own use the wharf lot and improvements, upon his paying the parties interested the amount of the present estimated value, say $15,000.

And it is also understood to be optional with J. McHenry, at the end of three years from 19th Dec., 1825, or at an earlier period, if the business of the concern can be brought to a close, to keep for his own use the lot and improvements in Johnson square, upon his paying, or securing the parties interested, the amount of the present estimated value, say $10,000. The expense of fitting up the eastern tenement as a dwelling shall be paid by J. McHenry, in lieu of rent for three years, or such shorter period as the business may be wound up in.

The furniture of either party not having been included in the esti-

mate upon which our offer was predicated, each, therefore, retains his own.

ROBERT ISAAC,
J. McHENRY.

P. S. The private property of each is taken at the valuation under which the offer was made to the creditors, viz., R. Isaac's at $7,100, and J. McHenry's $5,500, each of these amounts to bear interest from 19th Dec., 1825, at the rate of six per cent. per annum.

ROBERT ISAAC,
J. McHENRY.

The 140 shares of Planters' bank stock in the name of Lucy Isaac, under the marriage settlement, is to be paid for by Andrew Low & Co., at the rate of $50 per share; being the value allowed for their own hypothecated stock in that bank, and to bear interest at 6 per cent. from that date.

The $4,628, at credit of Wm. Scarbrough, ex'r, to be credited with interest from the date the money was received by Andrew Low & Co.

The arrangement, made between Andrew Low & Co. and Robert Isaac, selling to him all his previous private estate, as exhibited in Andrew Low & Co's. schedule laid before their creditors, is confirmed, and the note or acknowledgment given for it by R. Isaac, is to constitute one of A. Low & Co's. bills receivable; amount $7,100.

The sale to Robert Isaac by Andrew Low & Co. of all their claims upon Wm. Scarbrough individually, or as copartner with Jos. P. McKinne, under the firm of Scarbrough & McKinnie, (but not including A. L. & Co's. claims upon the present *rebuilt* steam mill at Darien,) but including every thing else, is confirmed, upon the payment of the note Robert Isaac has given A. Low & Co. for twenty thousand dollars.

The arrangement made between R. Isaac and James McHenry, as Andrew Low & Co. selling or transferring to him all his private estate, as at the time of the exhibit to the creditors of A. Low & Co., but left subject to the approval or otherwise of Mr. Andrew Low, is annulled and made void, in consequence of the death of Mr. McH., and the uncertainty of his representatives being able to comply therewith, as well as from the necessity of making the property available for the payment of Andrew Low & Co's. debts.

ANDW. LOW,
ROBERT ISAAC.

Savannah, 8th March, 1827.

Sixth circuit court, U. S., district of Georgia.

CHARLOTTE TAYLOR, by her next friend,
vs.
GODFREY BARNSLEY and wife, and others.

Agreement of counsel as to admission of evidence.

It is agreed that exhibit B, attached to answers of defendants, shall be

declared a duly authenticated and true copy from the records in the State of North Carolina.

JACKSON & HARDEN,
McALLISTER & COHEN.

It is also conceded that defendants have made oath of due diligence for original paper, and have sworn to belief of existence and loss of original.

JACKSON & HARDEN,
McALLISTER & COHEN.

And it is further conceded that all the exhibits to complainant's bill, except exhibit "E," were properly proved at the hearing; that Scarbrough's title to Isaac of 13th May, 1820; that Scarbrough's mortgage to William Taylor and Andrew Low & Co., of 5th June, 1819; that certificate of Scarbrough's taking the insolvent oath on 16th November, 1820, his returning "house and lot West Broad street," value at $20,000, as having been paid on his individual property, to Andrew Low & Co.; that the agreement of Robert Isaac and James McHenry of 17th February, 1826, and the ratification of the same by Andrew Low and Robert Isaac of 8th March, 1827; that the record of the judgment in the U. S. circuit court for Georgia, bearing date the 6th day of July, 1819, for $87,534,$\frac{50}{00}$, which was kept alive until 1831, in favor of Andrew Low; and the agreement of the plaintiff, Andrew Low, by his attorney, James McHenry, of 6th July, 1819, were in proof at the hearing; that where the originals of all said credence were not produced, the loss of said originals was accounted for, so as to let in secondary evidence, defendants' solicitors objecting as at the hearing to the competency of the memoranda and agreement signed by Robert Isaac, James McHenry, or Andrew Low.

McALLISTER & COHEN,
JACKSON & HARDEN,
CHARLTON & WARD.

In the sixth circuit court, U. S., district of Georgia.—*In chancery.*

Objections to testimony of A. Low and Mrs. Isaac.

The complainant's solicitors except to and move the court to suppress so much of the testimony of Mrs. Lucy Isaac, widow of Robert Isaac, deceased, as refers to transactions which came to her knowledge in consequence of her relation to the said Robert Isaac during the existence of her coverture, and intended or going to affect the title of Isaac to the premises in dispute, as being illegal and inadmissible.

JACKSON & HARDEN,
Complainant's Solicitors.

Filed in vacation, at chambers, 15th Nov., 1844.

The complainant's solicitors except to and move to suppress so much of the testimony of Mrs. Lucy Isaac, and also of Andrew Low, as is intended or goes to show title out of Robert Isaac or the complainant, under whom the defendants claim, as illegal and incompetent.

And further they except to and move to suppress the evidence of registry in England, either original or copy, as illegal and incompetent.

JACKSON & HARDEN,
Complainant's Solicitors.

Filed in vacation, at chambers, 15th Nov., 1844.

Deed from William Scarbrough to R. Isaac, same as page 179.

CHATHAM COUNTY, *State of Georgia.*

This indenture, made the thirteenth day of May, in the year of our Lord one thousand eight hundred and twenty, between William Scarbrough, of the county and State aforesaid, of the first part, and Robert Isaac, of the city of Savannah and State aforesaid, of the second part, witnesseth: That the said William Scarbrough, for and in consideration of the sum of twenty thousand dollars, to him in hand paid by the said , at or before the sealing and delivering of these presents, the receipt whereof is hereby acknowledged; and thereof, and of and from every part or parcel thereof, the said William Scarbrough acquit, release, and discharge the said Robert Isaac, his heirs, executors, and administrators; by these presents the said William Scarbrough hath granted, bargained, sold, aliened, remised, released, and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, and confirm unto the said Robert Isaac, and to his heirs and assigns, all that lot or lots of land being in the city of Savannah, State aforesaid, known by the numbers (49 and 50) forty-nine and fifty, in the plan of the village of St. Gall, bounded on the east by West Broad street, on the south by a street or lane, to the north on lots in the possession of Matthew McAllister, to the west on a lot formerly Mrs. Greggs', the said lot or lots of land being that on which the said William Scarbrough has lately made improvements, and at this time in his occupancy and possession; together with all and singular the houses, and outhouses, edifices, buildings, stables, yards, gardens, liberties, privileges, easements, commodities, emoluments, hereditaments, rights, members, and appurtenances whatsoever thereunto belonging, or in any wise appertaining; and the reversion and reversions, remainder and remainders, rents, issues, and profits, and all the estate, right, title, interest, property, or possession, claim and demand whatsoever, in law or in equity, of the said William Scarbrough, of, in, or to the same, or any part or parcel thereof, with the appurtenances; *do* have and to hold the said lot or lots, and all and singular other the premises hereby granted, bargained, sold, aliened, and confirmed, with the hereditaments and appurtenances, unto the said Robert Isaac, his heirs and assigns, to the only use and behoof of the said Robert Isaac, his heirs and assigns, forever, and to and for no other use, intent, or purpose whatsoever; and lastly, the said William Scarbrough, for himself and his heirs, the said lot or lots of land and premises, unto the said Robert Isaac, his heirs and assigns, against himself, his heirs, and against all and every other person or persons whatsoever, shall and will warrant and forever defend, by these presents.

In witness whereof, the said William Scarbrough hath hereunto set his hand and seal, the day and year first above written.

WM. SCARBROUGH. [L. S.]

Sealed and delivered in the presence of us—
JOB T. BOLLES, *Clk. S. C. C. C.*
WILLIAM MOREL, *Notary Public.*

Recorded 18th May, 1820.

JOB T. BOLLES, *Clerk.*

In the sixth circuit court of the United States for the district of Georgia.

UNITED STATES OF AMERICA, *district of Georgia.*

Subpœna to Wm. Scarbrough to answer bill.

The President of the United States to William Scarbrough, greeting: For certain causes offered before the judges of the sixth circuit court aforesaid, in equity, you are hereby commanded and strictly enjoined, that, laying all other matters aside, and notwithstanding any other excuse, you personally appear at the clerk's office of the said court in the city of Savannah, at rules, to be held on the first Monday in July next, to answer to a bill of complaint, and for discovery and relief exhibited against you and others in the said court, by Charlotte Taylor, by her next friend, James M. Walker; and to do further and receive what the said court shall have considered in that behalf; and this you may in no wise omit, under the penalty of five hundred dollars.

Witness the honorable Roger B. Taney, chief justice of the United States, this twenty-third day of May, in the year of our Lord one thousand eight hundred and forty-five. [L. S.]

JACKSON & HARDEN,
Complainant's Solicitors.

GEO. GLEN, *Clerk.*

The defendant, William Scarbrough, must enter his appearance in this suit in the clerk's office, on or before rules day in July next, otherwise the bill will be taken pro confesso, or such other order had as may be meet in the premises.

I have this day served a copy of the within subpœna personally on Wm. Scarbrough, this 31st day of May, 1845.

R. G. WALLACE,
U. S. Dep. Marshal.

Filed, May 31, 1845.

G. GLEN, *Clk.*

In the sixth circuit court of the United States for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker,
vs.
GODFREY BARNSLEY and others. } In equity.

Appearance of Wm. Scarbrough.

To the clerk of the sixth circuit court of the U. S. for the district of Georgia:

SIR: Please enter our names as solicitors of William Scarbrough, a minor defendant in the above case, on Monday next.

McALLISTER & COHEN.

Friday, 1*st Aug.*, 1845.

In the sixth circuit court of the United States for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant,
vs.
JULIA SCARBROUGH et als., defendants. } In equity.

Petition of Wm. Scarbrough for appointment of guardian.

To the honorable the judges of said court:

The petition of William Scarbrough respectfully sheweth, that the above named complainant hath filed her bill against your petitioner and others, in this honorable court; that your petitioner is an infant under the age of twenty-one years, and has no guardian to answer for him. Your petitioner therefore prays that Joseph Bancroft, of Savannah, in the district aforesaid, may be appointed by your honors guardian ad litem, to defend the said suit for and on behalf of your petitioner.

And your petitioner will ever pray, &c.

WILLIAM SCARBROUGH.

In presence of—
JOSEPH SCARBROUGH.

DISTRICT OF GEORGIA:

Personally appeared Joseph Scarbrough, who being duly sworn says, that he was present and saw William Scarbrough, (who is personally known to him,) sign the within petition; that the said signature is in the proper handwriting of the said William Scarbrough. And this deponent further says, that the said William Scarbrough is a minor, under the age of twenty-one years, *but yet of the* age of fourteen years and upwards.

JOSEPH SCARBROUGH.

Sworn to and subscribed by the said Joseph Scarbrough in my presence, this 22nd of August, 1845.

M. MYERS, *Commissioner*.

I consent to be guardian ad litem for the above named defendant.

JOSEPH BANCROFT.

1*st September*, 1845.

It is consented that Joseph Bancroft be appointed guardian ad litem of the above named defendant.

JACKSON & HARDEN,
Complainant's Solicitors.

Sept. 1*st*, 1845.

Sixth circuit court, district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker,
vs.
JAMES TAYLOR and others. } In equity.

Order of guardian ad litem to W. Scarbrough.

On reading the petition of William Scarbrough, setting forth that a bill hath been filed against him and others, defendants, by Charlotte Taylor, by her next friend, James M. Walker, plaintiff, and praying that Joseph Bancroft may be appointed guardian *ad litem* for him; and upon reading the acceptance of the said Joseph Bancroft to become such guardian, it is ordered, with the consent of the solicitors for the plaintiff, that the said Joseph Bancroft be appointed guardian *ad litem* of the said William Scarbrough, during his minority, or until further order.

JNO. C. NICOLL,
Dist. Judge.

At chambers, Savannah, Sept. 11, 1845.

Filed Sept. 12, 1845.

GEO. GLEN, *Clk.*

Appearance of Jos. Bancroft as guardian ad litem.

CHARLOTTE TAYLOR, by her next friend, James M. Walker,
vs.
GODFREY BARNSLEY and others. } In equity.

In the sixth circuit court of the United States for the district of Georgia.

To the clerk of the sixth circuit court of the United States for the district of Georgia.

SIR: Please enter our names as solicitors of Joseph Bancroft, the guardian *ad litem* of William Scarbrough, a minor, defendant in the above case, on Monday next.

Friday, 1st August, 1845.

McALLISTER & COHEN.

574

Answer of William Scarbrough.

CHARLOTTE TAYLOR, by her next friend, James M. Walker,
vs.
GODFREY BARNSLEY and others.

In the sixth circuit court of the United States for the district of Georgia.

The separate answer of William Scarbrough, by Joseph Bancroft, guardian *ad litem*.

This defendant, saving to himself all and all manner of advantage of exception to the many errors and uncertainties in said bill of complaint contained, for answer thereunto, or to so much thereof as this defendant is advised is material for him to make answer to, answering by his said guardian, says: That he is a stranger to all and singular the matters and things in the said bill of complaint contained, and particularly—

6th. That he was too young to know any thing of the subject.

7th. That his father, William Scarbrough, did die about that time, but he knows nothing of his pecuniary affairs.

12th. That he knows nothing of the matter.

13th. Believes that Godfrey Barnsley did live in said house, but does not remember for how long a time, and knows nothing in relation to the deed or Barnsley's knowledge of the same.

15th. Knows nothing of the matter.

16th. Knows nothing of the matter.

17th. Knows nothing of the matter.

And this defendant being an infant of tender years, submits himself to the judgment of this honorable court, and humbly hopes that his rights in the premises will be protected.

All which matters and things this defendant is ready to aver, maintain, and prove, as this honorable court may direct. And humbly prays to be hence dismissed, with his reasonable costs and charges in this behalf most wrongfully sustained.

McALLISTER & COHEN,
Defendant's solicitors.

JOS. BANCROFT,
Guardian ad litem of William Scarbrough.

Sworn to and subscribed before me, this 30th day of September, A. D. 1845.

M. MYERS,
Commissioner district Georgia.

Filed September 30, 1845.

GEO. GLEN, *Clerk.*

Replication to W. Scarbrough's answer.

Sixth circuit court of the United States for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant,
vs.
JAMES TAYLOR, Julia Scarbrough, William Scarbrough, et als., defendants.
} In equity.

The replication of Charlotte Taylor, by her next friend, James M. Walker, complainant, to the answer of William Scarbrough, by Joseph Bancroft, guardian ad litem, defendant.

This repliant, saving and reserving unto herself all and all manner of advantage of exception to the manifold insufficiencies of the said answer, for replication thereunto saith, that she will aver and prove her said bill to be true, certain, and sufficient in the law to be answered unto, and that the said answer of the said defendant is uncertain, untrue, and insufficient to be replied unto by this repliant; without this, that any other matter or thing whatsoever in the said answer contained, material or effectual in the law to be replied unto, confessed and avoided, traversed or denied, is true; all which matters and things this repliant is and will be ready to aver and prove as this honorable court shall direct, and humbly prays as in and by her said bill she hath already prayed.

JACKSON & HARDEN,
Complainant's solicitors.

Filed this 4th October, 1845.

J. B., for G. GLEN, *Clerk.*

Agreement of counsel and order thereon.

In the sixth circuit court of the United States for the district of Georgia.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant,
vs.
JAMES TAYLOR, Julia Scarbrough, Godfrey Barnsley and wife, and others, defend'ts.
} In equity.

Since the hearing of the above entitled cause, the complainant having amended her bill by adding William Scarbrough as co-defendant, and there being no further testimony to be taken by any of the parties to the said cause, it is hereby agreed, by and between the solicitors for the said William Scarbrough, and the solicitors for the said complainant, that all the evidence which was used at the hearing, both for and against the complainant, be considered as properly before the court on the issue made up between the said complainant and the said William Scarbrough, subject to the exceptions of file in the cause.

And there being no wish or desire on the part of complainant, or of the said William Scarbrough, to reargue the said cause, it is further agreed, that no further argument be made on either side, but that the

cause be set down for decree at the next term of said court on said proofs, and that this agreement be entered in the order book of said court as of rules day on the first Monday of the present month.

JACKSON & HARDEN,
Complainant's solicitors.

McALLISTER & COHEN,
Solicitors for William Scarbrough.

Savannah, 4th October, 1845.

Entered in order book, October 6th, 1845.

G. GLEN, *Clerk.*

Decree.

In the sixth circuit court of the United States, district of Georgia.

April adjourned term, 1846.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, vs. JAMES TAYLOR, GODFREY BARNSLEY, and others. } In equity.

This cause came on to be heard at this term, and was argued by counsel; and thereupon, upon consideration thereof, it was ordered, adjudged, and decreed as follows, viz:

That the said bill be, and the same is hereby, dismissed.

July 27, 1846. Entered, GEO. GLEN, *Clerk.*

Petition of complainant to enter appeal, and order thereon.

In the sixth circuit court of the United States for the district of Georgia.

April adjourned term, 1846.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, vs. JAMES TAYLOR, JULIA SCARBROUGH, and others, defendants. } In equity.

Bill for discovery, relief, &c.

To the honorable the judges of the sixth circuit court aforesaid.

The petition of the complainant filed now, to wit, at the present April adjourned term of the sixth circuit court of the United States, for the district of Georgia, in the year eighteen hundred and forty-six, respectfully shows, that at the said term of this honorable court, a decree has been pronounced and entered in said cause, dismissing the bill of your petitioner.

Your petitioner is advised and believes, that she has good grounds of appeal from the said decision and decree, and therefore she respectfully

prays an appeal therefrom to the Supreme Court of the United States, to be holden at the Capitol, in the city of Washington, on the first Monday in December next, on such terms as may be prescribed and approved by this honorable court, or one of the judges thereof.

And your petitioner further prays this honorable court to order and direct that the pleadings and evidence, with the other proceedings remaining of record, and the decree of this court, be sent up and returned to the Supreme Court of the United States, at the time and place aforesaid then and there to hear and determine the same.

JACKSON & HARDEN,
Complainant's solicitors.

Be it so. July 27, 1846.

JAMES M. WAYNE.
JOHN C. NICOLL.

Filed this 27th July, 1846.

G. GLEN, *Clerk*.

Bond of appellant.

UNITED STATES OF AMERICA,
District of Georgia:

Circuit court of the United States, for the sixth circuit and district of Georgia aforesaid.

CHARLOTTE TAYLOR, by her next friend, James M. Walker, complainant, vs. JAMES TAYLOR, Julia Scarbrough, and others, defendants. } In equity. Appeal.

Know all men by these presents, that we, James M. Walker, of Charleston, in the State and district of South Carolina, and George Haas, of the district of Georgia aforesaid, are held and firmly bound unto James Taylor, Julia Scarbrough, Godfrey Barnsley, Joseph Scarbrough, William Scarbrough, Robert M. Goodwin, Norman Wallace, and Andrew T. Miller, in the sum of five hundred dollars, to be paid to the said James Taylor, Julia Scarbrough, Godfrey Barnsley, Joseph Scarbrough, William Scarbrough, Robert M. Goodwin, Norman Wallace, and Andrew T. Miller, their certain attorney, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, and each of us, jointly and severally, and each of our heirs, executors, and administrators, firmly by these presents.

Sealed with our seals, and dated this twenty-fourth day of August, in the year of our Lord one thousand eight hundred and forty-six.

Whereas the above named Charlotte Taylor, by the said James M. Walker, her next friend, did, on the twenty-seventh day of July last, appear in open court, and file a petition for an appeal to the Supreme Court of the United States, from a final decree, on the said last mentioned day, rendered against her, in the suit of the said Charlotte Taylor, by her said next friend, against the said James Taylor and the

other obligees above named, in the said circuit court of the United States, for the district of Georgia aforesaid, which said petition for appeal was, on said last mentioned day, duly allowed by the judges of said circuit court.

Now, the condition of this obligation is such, that if the said Charlotte Taylor shall prosecute her said appeal to effect, and answer all damages and costs if she shall fail to make good her plea, then this obligation to be void, otherwise to be and remain in full force and virtue.

JAMES M. WALKER, [L. S.]
GEORGE HAAS. [L. S.]

Signed, sealed, and delivered at Charleston,
by James M. Walker, in presence of—
H. Y. GRAY, *C. C. C. So. Ca. dist.*

And at Savannah, by Geo. Haas, in presence of—
GEO. GLEN, *Cl'k cir. co. U. S.*

Personally appeared George Haas, of the city of Savannah, who being duly sworn saith, that he is worth the sum of five hundred dollars over and above the payment of his debts and liabilities.

GEO. HAAS.

Sworn to before me, this 24th day of August, 1846.

GEO. GLEN, *Cl'k.*

Filed this third September, 1846.

GEO. GLEN, *Cl'k.*

Personally appears James M. Walker, of the city of Charleston, South Carolina, who being duly sworn said, that he is worth the sum of five hundred dollars over and above the payment of his debts and liabilities.

JAMES M. WALKER.

Sworn to before me, this 31st day of August, A. D. 1846.

H. Y. GRAY,
Cl'k U. S. cir. ct. So. Carolina district.

Approved Sept. 2d, 1846.

JNO. C. NICOLL,
Dist. judge for the district of Georgia.

Filed this 3d Sep't, 1846.

GEO. GLEN, *Cl'k.*

UNITED STATES OF AMERICA,
District of Georgia:

I, George Glen, clerk of the circuit court of the United States for the sixth circuit and district of Georgia, hereby certify, that the aforegoing is a true and perfect transcript of the record and proceedings in the case therein mentioned, taken from, and by me carefully compared with, the original documents of file and of record in my office.